

**Reinvigorating the Nation's Civil Rights Debate:  
The Strategic Plan of the United States Commission on  
Civil Rights for Fiscal Years 2008-2013**

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## I. Mission Statement & Strategic Goals

The mission of the United States Commission on Civil Rights (referred to as the “Commission”) is to inform the development of national civil rights policy and enhance enforcement of Federal civil rights laws. The Commission pursues this mission by investigating alleged deprivations of voting rights or allegations of discrimination on the basis of race, color, religion, sex, age, disability, or national origin, or in the administration of justice. This Commission is committed to quality research, objective findings and sound recommendations.

In Fiscal Years (FY) 2008 through 2013, the Commission will execute its mission by:

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

As President George W. Bush once commented, “The work of equality is not done because the evil of bigotry is not finally defeated. Yet the laws of this nation and the good heart of this nation are on the side of equality.”<sup>1</sup> And as Dr. Martin Luther King admonished, “We must not rest until the day when justice rolls down like waters, and righteousness like a mighty stream.”

The Commission performs an important role in identifying emergent civil rights trends and evaluating federal agency civil rights enforcement programs. As the only independent agency in the Federal government to be exclusively concerned with the full range of issues related to civil rights, the Commission is charged with informing the President, Congress and the public about current civil rights issues, including discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice.

This strategic plan articulates the Commission’s vision for executing its vital mission over the next five years and for overcoming administrative challenges during a time of diminishing resources. The plan identifies mission challenges and benchmarks for success (section II); explains the strategic goals and their relation to the mission (section III); discusses its relationship with the Commission’s annual performance plan (section

IV); and identifies external factors that may frustrate implementation of the plan (section V). A table summarizing the Commission's mission, goals and desired outcomes (Appendix A); an overview of the Commission's organizational structure (Appendix B); and a summary of Commission reforms implemented since 2005 (Appendix C), are appended.

## **II. Mission Challenges & Benchmarks of Success**

To execute its mission the Commission must overcome the challenges inherent in its unique statutory mandate and continue to restore the Commission's reputation as a leading voice in the nation's civil rights debate. These challenges are substantial, but the Commission's new leadership is resolved to overcome them and continue its restoration of the Commission's reputation.

The following subsections discuss each mission challenge and identify benchmarks for success in terms of tangible outcomes.

### **A. The Challenge: Shaping the Nation's Civil Rights Debate**

The U.S. Commission on Civil Rights will celebrate its fiftieth anniversary in 2008. The Commission was conceived by President Dwight D. Eisenhower and created by Congress in 1957 as the nation's first piece of civil rights legislation since Reconstruction. In his 1956 State of the Union Address, President Eisenhower renewed the Federal government's commitment to civil rights for all, calling on the nation "to have every person judged and measured by what he is, rather than by his color, race or religion." To develop a comprehensive understanding of the challenge inherent to realizing this ideal, the President specifically sought the "prompt" establishment of a bipartisan commission to investigate and report on deprivations of civil rights in the Jim Crow South. In response, Congress established the Commission as a temporary fact finding agency to investigate and report on deprivations of the right to vote on the basis of "color, race, religion or national origin"; to "study" and "collect information" respecting denials of "equal protection of the laws" under the Constitution; and to "appraise" federal laws and policies respecting equal protection.<sup>2</sup>

As the civil rights movement evolved, the Congress extended and expanded the Commission's substantive authorization, directing it to investigate fraudulent practices that undermine the right to vote and to appraise federal civil rights policy respecting discrimination on the basis of "sex," "age" and "disability" and denials of equal protection in the administration of justice.<sup>3</sup> The evolution of the Commission's legislation stalled in the early-eighties. Since 1957, the Commission had operated as part of the executive branch under Presidential control and directive. In 1983, Congress made structural changes to the Commission designed to ensure the Commission's independence and bi-partisan character. The last word from Congress on the Commission's authorization was in the "Civil Rights Commission Amendments Act of 1994"<sup>4</sup> which expired in 1996. At present, the Commission is statutorily mandated to:

- "investigate allegations in writing under oath or affirmation relating to deprivations-- (A) because of color, race, religion, sex, age, disability, or national origin; or "(B) as

a result of any pattern or practice of fraud; of the right of citizens of the United States to vote and have votes counted,” 42 U.S.C. §1975a(1); and

- “(A) study and collect information relating to; (B) make appraisals of the laws and policies of the Federal government with respect to; (C) serve as a national clearinghouse for information relating to; and (D) prepare public service announcements and advertising campaigns to discourage discrimination or denials of equal protection of the laws under the Constitution of the United States because of color, race, religion, sex, age, disability, or national origin, or in the administration of justice.” 42 U.S.C. §1975a(2).

Although the Commission’s substantive mandate is broad, its powers are modest. The Commission is neither an enforcement agency nor a legislative body. It lacks the coercive powers to compel results consistent with its mission and statutory mandate. Rather, in the words of President Eisenhower, “whatever [the Commission] hopes to accomplish – indeed, whatever it lawfully and properly can accomplish – must be done by judicious employment of the unspectacular techniques of fact-gathering, study, appraisal and recommendations.”<sup>5</sup> “The Commission’s primary tools are law, facts, and ideas.”<sup>6</sup>

The Commission directly influences the course of national civil rights policy and continues to have an impact that is disproportionate to its size. The Commission's 1961 report provided the intellectual and factual foundation for the landmark 1964 Civil Rights Act. Similarly, the Commission's hearings on the disenfranchisement of black voters in the 1950s and 1960s formed the basis of the Voting Rights Act of 1965. The Commission's impact on civil rights legislation can be measured further still by its 1983 report on the challenges disabled individuals face in their daily lives. This report was relied upon by Congress in enacting the Americans with Disabilities Act. Today, the President and Congress continue to rely upon Commission reports and recommendations. For instance, the Commission's recommendation against passage of the Native Hawaiian Government Reorganization Act of 2005, (S.147) was cited by the Department of Justice; the media; and in statements submitted in the Congressional record and made during floor debate.

To ensure that the Commission remains influential in its efforts to shape the nation’s civil rights debates, the research, information, and reports generated by agency program activities remain available and easily accessible to stakeholders. The agency’s regular fact-finding events are open to the public and subsequently captured in substantive reports. Copies of agency civil rights reports are mailed to members of Congress, the President, and other interested or affected parties. Agency briefing reports and State Advisory Committee reports are made available to the public via the Commission website and library, soon after completion.

The keys to mission success outlined by the Eisenhower administration in 1959 are touchstones for success today. The Commission has benchmarks of success that reflect broad reliance upon and use of its research by policy makers and other agency stakeholders.

Mission success for a unique body like the Commission begins with even-handed processes for identifying the most pressing civil rights issues facing policy makers; producing a public record for the issuance of findings and recommendations meeting rigorous intellectual standards; and disseminating research and other data in a manner accessible to multiple audiences of varied sophistication. Mission success continues with tangible contributions to the nation's civil rights debate in Congress and throughout the Federal government, at the state and local level, in the academy, and in the public square.

Success depends upon the quality of the Commission research and the persuasiveness of its ideas, and will be evidenced by:

- Adopting and implementing information quality and statistical guidelines, such as those administered by the Office of Management and Budget and the most rigorous standards followed by leading research institutions and policy centers.
- Identification of emergent civil rights trends or issues and ability to help frame the debate.
- Utilization of and request for Commission written work products by other civil rights entities, higher education and policy institutions, researchers, and the public.
- Changes to or improvements in civil rights enforcement efforts as evidenced by recommendations made in the yearly statutory reports.

## **B. The Challenge: Restoring the Commission's Reputation as the Nation's Conscience.**

The Commission's history teaches many lessons of mission success but, unfortunately, also several lessons of mission failure. At its zenith, the Commission executed its mission with excellence and delivered concrete results. It was relevant and important, earning a reputation as the "nation's conscience." The Commission's moral authority was unimpeachable and its reports were highly visible in national media, inspiring editorial comment reflecting the Commission recommendations on public accommodation laws, school desegregation, housing and employment discrimination, and voting rights. Despite its lack of enforcement authority, the Commission, in its early history, delivered research that resulted in landmark Congressional and Executive action, and was noticed by the judiciary and the public for its relevance. In short, it was an indispensable fixture in the nation's civil rights debate.

Beginning in the late 1980s and continuing until recently, the Commission's record increasingly was one of mission failure. As a consequence of poor management and internal discord, the Commission lost its position as the preeminent beacon of authority in scholarly treatments of civil rights law and policy. On the eve of its 50<sup>th</sup> Anniversary, the Commission's new leadership has been actively involved in restoring the Commission's reputation as a respected voice in the nation's civil rights debate. Though this cause is noble and fundamental changes have followed the implementation of new

leadership in 2004, the remaining challenges are considerable and will require the sustained commitment of Commission leadership and staff.

At a minimum, the Commission must execute its statutory mandate with excellence and integrity to overcome its previous mission failure and reclaim broad respect for its civil rights authority. The current leadership recognizes that the Commission operates with a substantially tarnished image and that mission success depends upon transforming the Commission into a serious contributor on the vanguard of civil rights research and policy making.

Successful transformation of the agency and its image must be supported by, among other things:

- Congressional reauthorization of the Commission's statutory mandate in 2008 which would coincide with the Commission's 50<sup>th</sup> year anniversary.
- Congressional reliance upon the Commission as a fact-finding body and advisor in emerging civil rights areas (in lieu of the creation of similarly situated fact finding commissions, such as the "Glass Ceiling Commission" in the Civil Rights Act of 1991).
- Public focus increasingly being placed on the Commission's substantive work, rather than its internal politics and procedures in news reports and public debate.
- Commissioner and staff increasingly participating in public forums as national civil rights experts.
- Public confidence that the agency has returned to civility and professionalism.

### **C. The Challenge: Restoring the Commission's Efficiency and Accountability.**

Under the leadership of a new Staff Director, the Commission has undertaken an aggressive reform agenda to implement a broad series of internal controls and procedures to insure the integrity of Commission reports and to resolve profound management and financial challenges that developed over a period of many years.

Improvement in the policies and procedures governing financial management at the Commission began in FY 2005 though the fruit of these labors will continue, mature and ripen over time. The Commission's significant record of reform is detailed in two recent reports submitted to the Senate Committee on Appropriations which directed the Commission to outline the implementation of the agency reforms adopted by a vote of the Commission in April 2005.<sup>7</sup>

In 2005, the Commission completed its first audit in twelve years. The audit uncovered five reportable conditions and two material weaknesses and documented four instances of noncompliance with laws and regulations respecting the stewardship of American tax dollars. The Commission has taken numerous corrective actions to address these conditions, and received a clean audit in FY 2006. Nonetheless, it still operates with

fewer staff and a decreasing budget. Since 1983, the Commission has been under a statutory mandate to support a sprawling network of 51 State Advisory Committees and six Regional Offices for which resources have dwindled dramatically. Because the Commission relied upon staff attrition for nearly a decade to forestall budget shortfalls, the agency currently has vacancies in numerous important offices and has little flexibility to fill those positions.

The Congress, responding to past years of mission failure, has left the Commission's annual budget authority and appropriations flat-lined.<sup>8</sup> Chronically depressed resources have presented another host of administrative challenges to mission success.<sup>9</sup>

By improving its operational and financial accountability, and generally undertaking a more ambitious program of agency transformation, the Commission will normalize its administrative affairs and effectively execute its mission. Success will be evidenced by a number of indicators, including:

- Obtaining and maintaining unqualified or "clean" annual financial audits.
- Executing workforce planning and human capital accountability systems.
- Complying with laws and federal regulations governing agency financial management.

### III. Strategic Goals

The Commission has four strategic goals or statements of agency-wide aims through FY 2012. These goals are:

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

Each goal has specific goal-related objectives and performance measures that gauge success toward achieving the goal. Detailed below is an explanation of each goal and its relation to the challenges facing the commission (as outlined in section II), and the concrete performance measures for mission success under each goal.

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

Fifty years after the founding of the Commission on Civil Rights, an extensive governmental structure has been erected to protect civil rights. Bulwarks against discrimination are well entrenched features of America's legal landscape and include the Equal Employment Opportunity Commission (EEOC); the Office of Federal Contract Compliance Programs (OFCCP) of the Department of Labor; the Civil Rights Division of the Department of Justice; the Office for Civil Rights of the Department of Education; the Office of Civil Rights of the Department of Health and Human Services; the Office of Fair Housing and Equal Opportunity of the Department of Housing and Urban Development; the various state civil rights commissions; the innumerable local civil rights commissions; the tens of thousands of, private attorneys who pursue actions under Title VII of the Civil Rights Act of 1964, Title VI and Title IX of the 1972 Education Amendments, the Voting Rights Act of 1965, the Fair Housing Act of 1968, the Civil Rights Act of 1991, Executive Order 11246, the Americans with Disabilities Act, the Age Discrimination and Employment Act, and their state and local comparatives; and affirmative action compliance officers in thousands of corporations and political subdivisions.

## 1. How the Goal Will Be Achieved

The nation is indeed fortunate to have this panoply of entities and legislation dedicated to the advancement and protection of civil rights. Lost in the numbers and scope of civil rights entities and legislation, however, is the continuing need to enhance enforcement of civil rights laws and to continually appraise laws and policies of the Federal government with respect to the civil rights challenges of the 21<sup>st</sup> Century. The Commission on Civil Rights' unique statutory mandate affords it the enviable opportunity to continue to address these issues in a way no other civil rights agency can. The Commission's annual enforcement report, for example, provides a review of civil rights enforcement that can be tailored to current issues and concerns. Similarly, the Commission's robust mandate for investigating and reporting on civil rights issues affords it the flexibility to stay at the vanguard of developing civil rights issues while other agencies remained tethered to particular causes or purposes.

The Commission's unique position in the civil rights landscape allows it to think and act prospectively regarding civil rights and to ask the question: Is the nation's civil rights infrastructure equipped to address the civil rights challenges of the 21<sup>st</sup> Century?

Forty years after the civil rights movement galvanized the Congress to pass broad and sweeping civil rights laws and remedies, protections for many individuals are stronger but it is unarguable that group disparities still persist.

What civil rights issues and remedies will emerge over the next five, ten and 25 years? What are the thorniest challenges facing enforcement agencies and the private bar in safeguarding fundamental civil rights in an era of dwindling resources? What are the most promising enforcement strategies for identifying pervasive discrimination and for promoting equal opportunity for all? What are the root causes of disparities in health, education, housing and wealth, and are disparities caused by discrimination?

The Commission hopes to answer these questions and shape a national conversation on current civil rights issues by:

- Reinvigorating the Commission's State Advisory Committees (SACs), consistent with budgetary resources.
- Energizing the Commission's SACs by enhancing their institutional role in program planning and increasing their productivity.
- Commissioning a multi-state report, in which the Commission's individual SACs identify civil rights priorities facing their states/regions.
- Convening a national conference in FY 2009 to elicit diverse, multi-disciplinary and bipartisan perspectives on civil rights in the 21<sup>st</sup> century.

The Commission has already begun the process of reinvigorating the State Advisory Committees. In early 2006, the Commission modified the membership requirements to comport with Federal anti-discrimination laws and to create a more flexible application process which has aided in recruitment of new participants. Additionally, the

Commission has formally requested Congressional action to increase the charters from two years to four years. The increased charter period will allow the Commission to recruit and retain members to serve through longer-term projects. More progress was made with the SACs when the Commission adopted a process and timeline for eliminating a backlog of expired SAC charters. Successfully eliminating this long-time backlog will contribute to the effective use of the advisory committees because federal law prohibits advisory committees from functioning with expired charters. Similarly, the Commission will continue to work to decrease the amount of time required to re-charter SACs with current charter due to expire after January 30, 2007.

The Commission will further integrate the SACs into the work of the Commission by completing a multi-state report in FY 2009. The opportunity for the SACs to identify emerging civil rights issues in their states fulfills GAO recommendations and reaffirms the national office's commitment to incorporate the SACs into our project planning and execution.

The Commission is also planning to hold a national conference which endeavors to be a significant convening of scholars, practitioners, policy makers and issue specialists addressing broad civil rights themes. The Commission will seek to draw at least 100 civil rights practitioners, experts and others to the conference. In addition to broad discussions on civil rights, sessions will be held on discrete topics drawn from the responses of the SACs and pending matters before Congress. The conference will result in a report of findings entitled "Civil Rights Priorities for the 21st Century." Any findings of widespread or systemic discrimination will be followed with investigations by the Commission in those areas.

## **2. How Results Will Be Measured**

Successful implementation of these strategies will substantially enhance the Commission's position as a leader in civil right research. Ideally, the Commission's work will have a ripple effect throughout the academic community and within the nation's law-making institutions, inspiring follow-up research, policy initiatives and oversight agendas. Success will be evidenced by, among other things:

- Identifying 21<sup>st</sup> century civil rights issues by convening a national conference in FY 2009 and, by FY 2010, issuing a report based on conference findings for policy makers and others with civil rights responsibilities.
- Incorporating into the Commission's annual program planning process a discussion of identified 21<sup>st</sup> century civil rights priorities for concentrated study and research.
- Increasing the Commission's use of its network of 51 SACs as its "eyes and ears" on civil rights matters of concern at the state and local levels through issuing joint national and SAC reports biennially.
- Publishing a multi-state report in FY 2009 that utilizes the advisory committees to identify for policy-makers, researchers, and the public state and regional civil rights issues and priorities.

- Eliminating the backlog of SACs with charters that expire on or before January 30, 2007 by FY 2011.
- Re-chartering SACs with active charters expiring after January 30, 2007 within 60 days of charter expiration.

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

Working cooperatively and constructively with other federal agencies leverages Commission resources. Partnering, however, is more than a cost-savings measure; it also creates an opportunity for the Commission to identify issues of mutual interest or concern and make a significantly larger impact in the civil rights arena.

In soliciting stakeholder input for the creation of this strategic plan, the Commission reached out to a number of agencies with responsibility for enforcing federal civil rights laws. Staff identified a number of opportunities for inter-agency cooperation and coordination. For instance, working with one or more agencies to develop a government-wide portal (i.e., web site) for employment discrimination using “FirstGov” as a model, sharing civil rights complaint data for the purpose of identifying trends and areas needing concentrated attention, and partnering to produce public service announcements.

**1. How the Goal Will be Achieved**

The Commission will partner or collaborate with other federal agencies to increase or identify new ways in which they can more effectively and efficiently carry out their civil rights program, develop and interpret civil rights laws and policies, and inform the public of civil rights enforcement and remedies. The Commission will accomplish partnering on issues of mutual interests or concern by:

- Studying the role and effectiveness of the different federal enforcement agencies and making recommendations as to how those agencies might enhance their effectiveness.
- Partnering with other federal civil rights agencies to raise public awareness of civil rights laws, remedies, and enforcement agencies.
- Partnering with other civil rights agencies to collect and analyze data on various civil rights topics.
- Partnering with other civil rights agencies in studying the effectiveness of current civil rights laws, in developing reasonable interpretations of unclear laws, and in making recommendations for updates or changes to current law.

Because the Commission is not an enforcement agency itself, it is in a unique position to provide leadership and advice on civil rights enforcement within the executive branch.

The Commission will incorporate into its program planning one report per fiscal year that addresses how a particular civil rights agency might enhance its effectiveness.

Partnering with other federal agencies can be accomplished on both a formal and informal basis. In a formal relationship, the Commission will seek to enter into at least one Memorandum of Understanding with another federal agency to complete a joint project that will raise public awareness of civil rights laws. Additionally, the Commission will seek to collect data from other agencies on complaint types which will inform both agencies on trends in discrimination. For example, such data collection may reveal differences between geographic areas. These types of partnerships will serve to generate public awareness of civil rights laws.

To provide more direct guidance to civil rights agencies about the effectiveness of current laws, the Commission will seek to participate in major civil rights working groups established by the executive branch. In this role, the Commission will be positioned to issue guidance on enforcement efforts of current law, the development of new civil rights policy or enforcement efforts and coordination with enforcement agencies during times of crisis. The partnerships between the Commission and federal enforcement agencies will be useful to Congress in providing substantial insight and direction on proposed civil rights agenda items.

## **2. How Results Will Be Measured**

The Commission will position itself as a strategic asset in the Federal government's common mission to ensure equal opportunity for all under the law. Success will be measured in part by:

- Producing one report annually evaluating or studying the effectiveness of the civil rights program of one or more federal agencies, including conducting exit or follow-up activities with agencies.
- Implementing a memorandum of understanding with at least one federal agency aimed at raising public awareness of civil rights laws.
- Participating in at least one major executive branch civil rights working group annually with a particular interest in those areas where the Commission has invested investigative resources in the past and areas where the Commission has explicit statutory authority such as voting rights.
- Providing assistance to members of the public who seek advice and information about protecting their civil rights by offering a complaint referral service to various federal, state, and local resources.
- Participating in inter-agency working groups responsible for developing and proposing civil rights policy as substantive experts.
- Increasing Commission participation in public policy symposia and venues in which the agency can share its expertise, including research and studies, on civil rights policies.

- Posting all Commission meeting and briefing transcripts, and approved reports, on the Commission's website.
- Cooperating and coordinating with civil rights enforcement agencies during times of national emergencies, such as significant natural disasters and homeland security emergencies, to support the continuity of civil rights protections and enforcement.

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

The Commission is charged with keeping the President, Congress and the public informed of civil rights issues, including discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice. As such, the Commission is committed to making information on civil rights enforcement and civil rights issues available to the broadest range of stakeholders.

The Commission maintains a substantial library dedicated to civil rights materials. Although the library has suffered the effects of reduced resources along with every other unit within the agency, it continues to work diligently to make Commission reports and other materials available to the public. In fact, one of the most frequently requested publications is the Commission's booklet "Getting Uncle Sam to Enforce Your Civil Rights," indicating that the public is making use of the Commission's work.

The Commission's own reports dating back to its inception are available to researchers, Congressional offices, federal agencies, the general public and other libraries as a matter of course. The Commission has, to the extent that resources have allowed, utilized its web site to make reports, transcripts, press releases and official correspondence immediately available to the public. One component of fulfilling the mission of maintaining the national clearinghouse is to upgrade the Commission's technology to make more materials available electronically, as well as to create links to nonproprietary information that might be of interest to individuals interested in civil rights.

One of the Commission's core responsibilities is its annual federal civil rights enforcement report to the Congress and the President. The annual report is designed to examine the laws and enforcement activities in one particular arena of civil rights. For the Commission's 50<sup>th</sup> Anniversary it will take up the status of elementary and secondary school desegregation.

To promote the public awareness of civil rights laws, remedies and enforcement agencies, the Commission will continue to host public briefings on a wide array of topics and perspectives. Within the constraints of current funding levels, the Commission will continue to issue press releases and post information on the Commission's web site. As partnerships with other agencies lead to changes in enforcement or law, the Commission will participate in and initiate press conferences. Provided resources are available, the Commission will utilize its power to generate and promote public awareness through

public service announcements and will explore other methods of disseminating information through electronic media. A recent example of this is the establishment of a Memorandum of Understanding (MOU) with the University of Maryland's Thurgood Marshall Library. The MOU constitutes and outlines an agreement between the United States Government Printing Office (GPO), the University of Maryland School of Law, Thurgood Marshall Law Library (TMLL), and the United States Commission on Civil Rights (USCCR) for permanent public access to content in the electronic collection of Historical Publications of the United States Commission on Civil Rights of the TMLL. By giving the Thurgood Marshall Law library permission to store electronically and make available via the internet access to our Reports and other publications, the Commission is adapting to the effects of reduced funding on internal capacity while creatively using technology to promote public awareness of civil rights laws, remedies, and enforcement.

## **1. How the Goal Will Be Achieved**

The Commission will accomplish this goal by:

- Strengthening the quality and objectivity of the Commission's reporting.
- Collecting and analyzing existing data on disparities among racial and ethnic groups, between the sexes, between the disabled and those who are not disabled, and among other protected classes.
- Issuing reports that assess the credibility of claims of systemic or pervasive discrimination and, where discrimination is found to be present, illuminate the causes of such discrimination and make recommendations for policy changes to address the problem.
- Conducting original social scientific research that brings new or unique information to the civil rights policy debate.

## **2. How Results Will Be Measured**

The Commission must reestablish itself as a national authority on basic civil rights data and information if it hopes to make tangible contributions to the nation's civil rights debate in Congress and throughout the Federal government; at the state and local levels; in academia and the world of ideas; and in public discourse.

Successful implementation of these strategies will be evidenced by a broader dissemination of and increased citation to Commission research by diverse interests in the nation's civil rights debate. Indicators of success will include:

- Written work products issued by the Commission meet rigorous standards for accuracy, objectivity, transparency, and accountability.
- GAO recommendations are implemented as adopted by the Commissioners and consistent with any Commissioner-approved timeline.

- Reports are issued assessing the credibility of discrimination allegations and, where discrimination is found to be present, illuminate the causes of such discrimination, and make recommendations for policy changes that will address the problem.
- Reports are issued that include original social scientific research that adds new or unique information to the civil rights policy discussion.

**D. Goal 4: Normalize the Commission’s financial and operational controls, and modernize its information technology management and dissemination.**

The Commission is committed not only to serving as the nation’s conscience on civil rights matters, but also as a model of management excellence, integrity, efficiency, and accountability.

During the 1990s, the public had reason to lack confidence in the Commission's financial and managerial operations. Today, the Commission is resolved to continue its aggressive schedule of administrative reforms and continues to normalize its financial and operational controls, and to modernize its information technology management and dissemination. Appendix C summarizes the extensive reforms that have been enacted.

**1. How the Goal Will Be Accomplished**

The Commission will accomplish this goal by

- Adhering to integrated budgeting, planning, and performance management.
- Achieving sound financial management, demonstrating financial accountability, and streamlining and/or reorganizing the Commission’s structure to efficiently execute its mission and make efficient use of its appropriations.
- Continuing to implement adopted GAO and OPM recommendations.
- Modernizing the agency’s information technology infrastructure and improving IT management to enhance program efficiency.

The Commission has addressed all adopted GAO recommendations. Additionally, the Commission will fully comply with OMB A-11 guidance for integrated budgeting and will undergo a financial audit for each fiscal year as required by law.

To modernize information technology and management, the Commission will seek to create a web site similar to Firstgov.com. This endeavor will assist in achieving several objectives, including partnering with other agencies, serving as a civil rights clearinghouse and streamlining the dissemination of public information. Moreover, the agency will comply with applicable federal information management laws and regulations. Meeting these obligations and taking advantage of advances in technology will provide us with a unique opportunity to do more with fewer resources.

The integration of the SACs in the 2009 national conference will be the culmination of a process whereby SACs will be solicited for input in the Commission's annual project planning. The Commission will also be utilizing the Regional Offices to collaborate between the national office and the SACs on annual projects. The operation of the SACs will also be reviewed to maximize participation and productivity in an era of diminished resources.

The Commission recognizes that accomplishing its mission requires flexibility and creativity. To that end, it is vital that the Commission review its operational procedures to adjust to the appropriation which it receives.

## **2. How Results Will Be Measured**

Success will be evidenced by a number of indicators, including:

- Implementing adopted GAO recommendations and sustaining compliance with applicable OPM requirements.
- Fully comports with OMB A-11 guidance for integrated budget by FY 2010.
- Receiving an OMB PART Program Management assessment score of at least "moderately effective" by FY 2010.
- Establish website similar to Firstgov.com by FY 2012.
- Maintain a "clean" or unqualified financial audit status for each fiscal year beginning in FY 2008.
- Conduct an assessment during FY 2008 of the effectiveness and efficiency of the Commission's current administrative structure and, based on the results, develop during FY 2009 a plan of action for achieving increased agency effectiveness and efficiency.

#### **IV. Relationship Between Strategic Plan and Annual Performance Plan**

Strategic plans cover a six-year period, the fiscal year in which it is submitted plus the five years thereafter. Agencies are required to update their strategic plan every three years. The Commission's Strategic Plan for Fiscal Years 2008 – 2013 is the agency-wide long-term plan for the Commission to constructively contribute to the development and implementation of civil rights laws, policies, and programs through study, investigation, analysis, fact-finding, education, and outreach. In other words, the strategic plan is the long-term approach for effectively executing the Commission's mission.

This strategic plan embraces the agency's statutory obligations and amplifies them in the form of four strategic goals. These goals establish the strategic framework upon which the Commission will continue to execute its mission of providing an objective and informed voice on civil rights issues and creating substantive changes to improve the enforcement and protection of civil rights. This is what the Commission was established to do in 1957 and this continues to be the Commission's charge today.

The Commission includes four strategic goals or statements of agency-wide aims or purposes. Each strategic goal also identifies goal-related outcomes or objectives that are the results intended by executing the strategic goal. How outcomes are achieved is determined by the use means and strategies that serve as a blueprint for achieving the identified goals and objectives. Whether or not a desired outcome is achieved is determined by the use of performance measures. The Commission uses both outcome and output measures to judge performance.

The annual performance plans should move the Commission closer toward fulfilling its overall strategic plan. Pursuant to guidance issued by the Office of Management and Budget, the Commission's annual performance plans will be incorporated into the Commission's annual performance budgets.

## **V. External Factors Affecting Strategic Goals**

Several external factors may impact progress and achievement of Commission goals. Emerging civil rights issues, reauthorization, funding and staffing levels could each potentially affect the feasibility and priority associated with any particular strategic plan goal. Emerging issues may arise that require a shift in Commission program and spending priorities. Examples of past emerging issues include voting rights issues associated with the 2004 and 2000 elections and civil rights deprivations associated with the September 11, 2001 terrorist attacks.

The Commission's lack of an authorization statute could also significantly affect pursuit of strategic goals. The Commission's authorizing statute expired in 1996 and the Commission therefore operates only by way of an annual appropriation. The Commission may need to adjust to its strategic goals to reflect any changes to structure, operation, mandate or funding arising from any new reauthorization statute or corresponding appropriations. Changes to strategic goals would reflect adjustments to the Commission's structure, operation, mandate, and funding as reflected in the new authorization statute and corresponding appropriations.

The continual decline of staffing levels may also pressure the implementation of strategic goals. As funding levels have remained flat, attrition has historically allowed the Commission to avoid involuntary staff cutbacks. Necessarily, however, fewer staff members have been increasingly required to do more work. The size of the Commission's full-time staff dropped from 78 full-time equivalent positions in 1999 to 47 in September 2006, and it continues to shrink. Over the last decade, the Commission's two programmatic offices were more than halved as a result of budgetary cuts, and both the public affairs and congressional affairs units have remained vacant for years. The regional offices have also endured similar staff shortages.

## **VI. Conclusion**

The year 2008 marks the fiftieth anniversary of the establishment of this Commission and it is important to remember that the work of this agency is not yet complete. In his first inaugural address, President George W. Bush observed that “many of our citizens prosper, [but] others doubt the promise, even the justice of our own country.” He added that “[t]he ambitions of some Americans are limited by failing schools and hidden prejudice and the circumstances of their birth. And sometimes our differences run so deep, it seems we share a continent, but not a country.” The President called on American leaders and citizens to strive for a new unity, declaring, “this is my solemn pledge: I will work to build a single nation of justice and opportunity.”

The Commission recognizes that the barriers to unity in America may result, in part, from old bigotries and injustices, but also arise from new conditions and challenges, such as failing schools, wounded families and fragile community institutions. Either way, the Commission is committed to addressing them. In some cases, we may be divided by prejudices hidden or overt. The Commission studies, monitors and opposes discrimination and assesses governmental efforts to enforce the laws protecting all Americans against unlawful discrimination. In other cases, we may be divided by what President George W. Bush described as “failing schools” and “the circumstances of our birth,” by culture and family structure, and by such attributes as one’s status as an ex-offender. As the nation’s civil rights watchdog, the Commission examines the ways in which we may be divided by these problems as well. In both of these ways, the Commission works to redeem the promise of a single nation of justice and opportunity.

**APPENDIX A:**

***Summary of the Commission's Mission and Goals***

**MISSION STATEMENT**

To inform the development of national civil rights policy and enhance enforcement of Federal civil rights laws by investigating allegations of widespread deprivations of voting rights; or allegations of pervasive discrimination on the basis of race, color, religion, sex, age, disability or national origin, or in the administration of justice and through quality research, objective findings and sound recommendations with the means necessary to achieve the mission.

<b>Strategic Goal 1:</b>	
<b><i>Shape a national conversation on current and future civil rights issues that identifies civil rights priorities for policy makers.</i></b>	
<b><i>Objectives:</i></b>	<b><i>Performance Measures:</i></b>
1. Reinvigorate the Commission's State Advisory Committees (SACs).	<p>1(a). Increase the number of SACs re-chartered annually.</p> <p>1(b). Eliminate the backlog of SACs with charters that expire on or before January 30, 2007 by FY 2011.</p> <p>1(c). Recharter SACs with charters expiring after January 30, 2007 within 60 days of charter expiration.</p>
2. Energize the Commission's SACs by enhancing their institutional role in program planning and increasing their productivity.	<p>2(a). Obtain input from SACs as a part of the program planning cycle annually by October 31st.</p> <p>2(b). Conduct a joint national office and SAC project every two years (i.e., biennially) and issue a report within 12 to 18 months following initiation of each project.</p> <p>2(c). Solicit SAC ideas for SAC follow-up activities on Commission (national office) projects at the regional, state, and local levels annually during October.</p>

3. Commission a multi-state report, requesting the Commission’s individual SACs to identify civil rights priorities facing their states/regions.	3. Complete the multi-state report by FY 2009.
4. Convene a national conference in FY 2009 to elicit diverse, multidisciplinary and bipartisan perspectives on civil rights in the 21 <sup>st</sup> century.	<p>4(a). Attract at least 100 civil rights practitioners, experts and others to the conference.</p> <p>4(b). Issue a report based on the findings of the conference entitled “Civil Rights Priorities for the 21<sup>st</sup> Century” during FY 2010.</p> <p>4(c). Identify 6 civil rights issues and research topics appropriate for incorporation into the Commission’s programmatic planning cycles for FY 2010 through FY 2012.</p> <p>4(d). Identify civil rights issues and research topics that could lay the foundation for updating the Commission’s Strategic Plan in 2011.</p> <p>4(e). Identify areas where the Commission’s powers and mission need to be expanded to respond to emerging challenges and publish these areas by FY 2011.</p>
<p><b>Strategic Goal 2:</b></p> <p><b>Expand the capacity of federal agencies to raise public awareness of civil rights and efficiently and effectively execute their civil rights enforcement responsibilities by engaging in strategic partnerships.</b></p>	
<i>Objectives:</i>	<i>Performance Measures:</i>
1. Study the role and effectiveness of the different federal enforcement agencies and make recommendations as to how those agencies might enhance their effectiveness.	1. Produce one report per fiscal year that addresses how particular civil rights agencies might enhance their effectiveness, including conducting exit or follow-up activities with agencies.
2. Partner with other federal civil rights agencies to raise public awareness of civil rights laws, remedies, and enforcement agencies.	2. Implement Memoranda of Understanding (MOUs) with one or more federal agencies.
3. Partner with other civil rights agencies to collect and analyze data on various civil rights	3. Collect data from other agencies on complaint types to identify discrimination

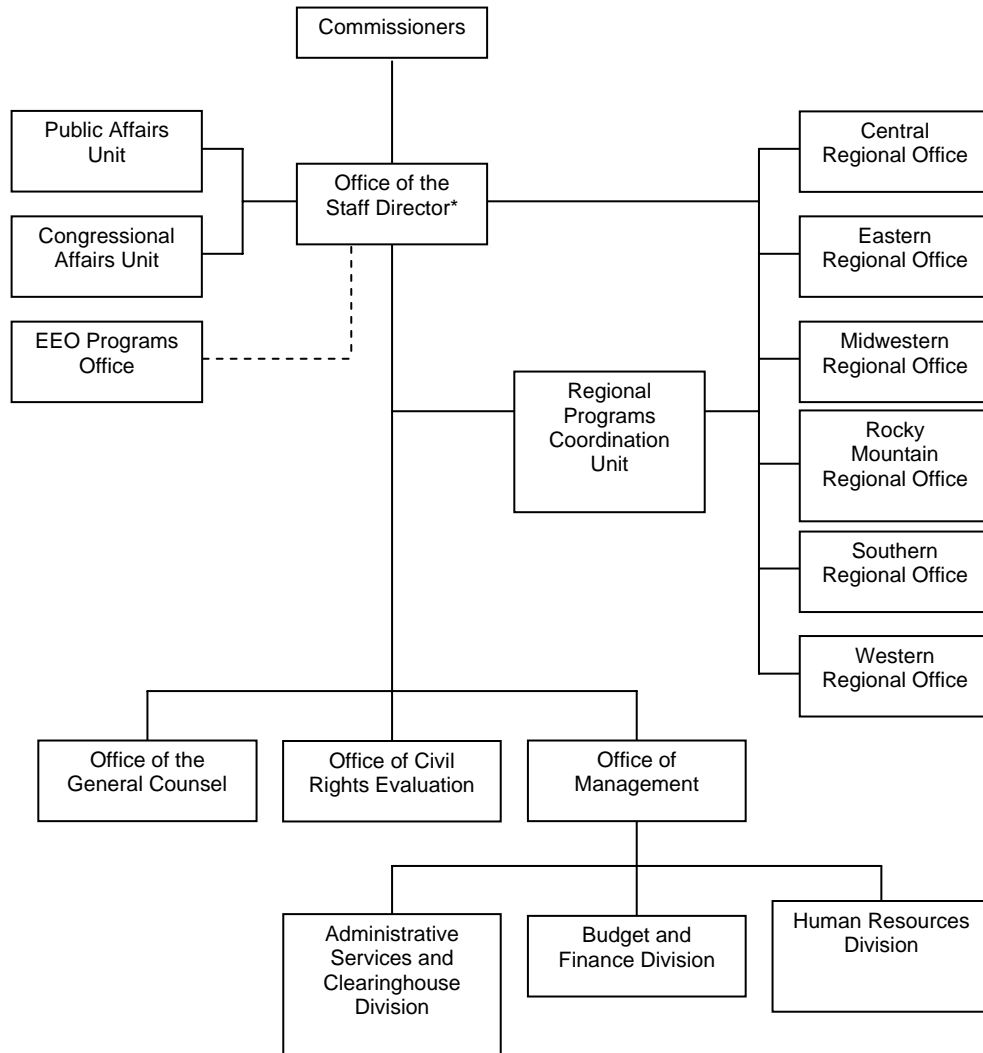
<p>topics.</p>	<p>issues and/or trends (e.g., information on types of complaints nationally, geographic areas experiencing increases in types of complaints or number of complaints, etc. over time) to identify for agencies, policy-makers, and the public areas requiring concentrated enforcement efforts.</p>
<p>4. Partner with other civil rights agencies in studying the effectiveness of current civil rights laws, in developing reasonable interpretations of unclear laws, and in making recommendations for updates or changes to current law.</p>	<p>4(a). Participate in at least one major civil rights working groups established in the executive branch.</p> <p>4(b). Issue guidance to the executive branch on civil rights enforcement efforts.</p> <p>4(c). Cooperate and coordinate with civil rights enforcement agencies during times of national emergencies, such as significant natural disasters and homeland security emergencies, to support the continuity of civil rights protections and enforcement.</p> <p>4(d). Participate in inter-agency working groups responsible for developing and proposing civil rights policy as substantive experts.</p> <p>4(e). Establish Congressional contacts that provide substantive insight and direction on proposed civil rights legislative agenda items.</p>
<p>5. Promote public awareness of current civil rights laws, remedies and enforcement agencies.</p>	<p>5(a). Host 5 public briefings or hearings annually on civil rights issues.</p> <p>5(b). Issue 10 press releases annually related to civil rights issues and Commission activities.</p> <p>5(c). Hold one press conference annually announcing the issuance of the Commission’s statutory report or other significant Commission publication or activity.</p> <p>5(d). Post all Commission meeting and briefing transcripts, and approved reports, on the USCCR website.</p>

	<p>5(e). Provide assistance to members of the public who seek advice and information about protecting their civil rights by offering a complaint referral service.</p> <p>5(f). Increase Commission participation in public policy symposia and venues in which the Commission shares its views concerning civil rights policies.</p>
<p><b>Strategic Goal 3:</b></p> <p><i>Serve as an authoritative national clearinghouse and repository of civil rights data and information.</i></p>	
<b>Objectives:</b>	<b>Performance Measures:</b>
1. Strengthen the quality and objectivity of the Commission’s reports.	<p>1(a). Written work products issued by the Commission meet rigorous standards for accuracy, objectivity, transparency, and accountability.</p> <p>1(b). Implement adopted GAO findings and recommendations consistent with any Commissioner-approved timeline.</p>
2. Collect and analyze existing data on disparities among racial and ethnic groups, between the sexes, between the disabled and those who are not disabled, and among other protected classes.	2. Issue report(s) and conduct follow-up research where necessary.
3. Issue reports that assess the credibility of claims of systemic or pervasive discrimination and, where discrimination is found to be present, illuminate the causes of such discrimination, and make recommendations for policy changes to address the problem.	3. Issue report(s) and conduct follow-up research where necessary.
4. Conduct original social scientific research that brings new or unique information to the civil rights policy debate.	4. Incorporate original social scientific research into Commission reports.
<p><b>Strategic Goal 4:</b></p> <p><i>Normalize the Commission’s financial and operational controls, and modernize its information technology management and dissemination.</i></p>	
<b>Objectives:</b>	<b>Performance Measures:</b>

<p>1. Adhere to integrated budgeting, planning, and performance management.</p>	<p>1(a). Fully comply with OMB A-11 guidance for integrated budget by FY 2010.</p> <p>1(b). Receive an OMB PART Program Management assessment score of at least “moderately effective” by FY 2010.</p>
<p>2. Achieve sound financial management, demonstrate financial accountability, and streamline and/or reorganize the Commission’s structure to efficiently execute its mission and make efficient use of its appropriations</p>	<p>2(a). Maintain a “clean” or unqualified financial audit status each fiscal year beginning in FY 2008.</p> <p>2(b). Full compliance with laws and regulations respecting the stewardship of tax dollars.</p> <p>2(c). Complete an evaluation the Commission’s organizational structure and operations by FY 2009 to identify and implement changes necessary to support increased effectiveness and improved efficiency in light of existing fiscal and human capital resources.</p> <p>2(d). Conduct an assessment during FY 2008 of the effectiveness and efficiency of the Commission’s current administrative structure and, based on the results, develop during FY 2009 a plan of action for achieving increased agency effectiveness and efficiency.</p> <p>2(e). Execution of workforce planning and human capital accountability systems by FY 2008.</p>
<p>3. Continued implementation of adopted GAO and OPM recommendations.</p>	<p>3. Implement adopted GAO and OPM audit findings and recommendations that address financial and operational procedures.</p>
<p>4. Modernize information technology infrastructure and improve IT management to enhance program efficiency.</p>	<p>4. Establish web-site similar to Firstgov.com. by FY 2012.</p>

## APPENDIX B: The Commission’s Organizational Structure

### U.S. COMMISSION ON CIVIL RIGHTS ORGANIZATION CHART



\* Although current agency regulations describe an “Office of the Deputy Staff Director,” the Commission has eliminated that office, and the position of Deputy Staff Director has been transferred to the Office of the Staff Director.

The Commission has eight Commission members. Four are appointed by the President and four by Congress. Each member serves a six-year term. The responsibilities of the

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

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

a. *Office of General Counsel:* The Office of General Counsel provides the legal expertise and activity required to conduct hearings and to ensure the legal integrity of Commission products. The General Counsel is the agency's chief legal advisor on a range of legal issues and the office represents the agency in administrative hearings and other matters. With 15 employees in 1999, by the end of FY 2007 this office had three attorney employees and no administrative support personnel.

b. *Office of Civil Rights Evaluation:* The Office of Civil Rights Evaluation (OCRE) provides the subject matter, critical, and analytical expertise required to research and write evaluations of civil rights issues. The office monitors the activities of numerous federal agencies as well as national and regional civil rights trends. Based on information gathered, this office develops project proposals, carries out projects, and responds to inquiries from the public and the Commissioners. It also receives, researches, analyzes, and refers civil rights complaints. OCRE's staffing decreased over the course of one year; dropping from a staff of nine in September 2005 to a staff of six in September 2007, including administrative support personnel.

c. *Office of Management:* The Office of Management provides administrative support to the Commission that includes procurement, library, budget and finance, and human resources support services. This office also manages the Commission's information technology resources and copy center. Employing 14 in 1999, the divisions and offices composing the Office of Management employed eight by the end of FY 2007.

d. *Congressional Affairs Unit:* The Congressional Affairs Unit serves as the liaison with Congress, responding to requests for specific information and ensuring the distribution of the Commission's studies and reports to all members. The Unit monitors the legislative activities of Congress and provides support in the conceptualization and production of studies and reports with information gathered via their monitoring activities. As a result of budgetary challenges, all positions in this unit are currently vacant. Since 1999, the two staff positions designated for this unit have been vacant.

e. *Public Affairs Unit:* The Public Affairs Unit serves as the public voice of the Commission and ensures that the American public knows the activities and the

publications of the Commission. The Unit coordinates and carries out such activities as briefing reporters and the Commissioners on civil rights issues, holding press conferences, issuing press releases, arranging interviews with the Commissioners, and monitoring press activity regarding the Commission and civil rights issues. The Unit deals directly with the public in responding to inquiries and by attending meetings of civil rights organizations as speakers. Because of budgetary challenges, all positions in this unit are currently vacant and have been so for several years. Three employees staffed this unit in 1999.

f. *Equal Employment Opportunity Programs Office.* This office is responsible for the overall management of the Commission's EEO complaint system. This system affords applicants for employment and employees of the Commission who believe that they have been discriminated against on the basis of race, color, age, religion, national origin, sex (including sexual harassment), physical or mental disability, or reprisal in connection with EEO-related activities, a means of review and appeal through which to seek appropriate relief. This office currently has no full-time staff; it is staffed by a member of the Office of Civil Rights Evaluation as a collateral duty.

g. *Regional Programs Coordination Unit:* This unit ensures that the individual regional programs are sufficiently coordinated across regions and with headquarters. The Unit ensures that headquarters support and guidance are provided as necessary. The Unit provides support in the finalization and publication of headquarters-developed reports, regional reports and studies, as well as in the announcement of hearings. Because of budgetary challenges, all positions in the regional coordination unit are currently vacant. In 1999, the six regional offices, combined, had a staff of 26 in 1999; however, as of September 2007, its employees numbered 12.

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

## APPENDIX C:

### ***Summary of Significant Commission Administrative Reforms***

Beginning in 2005 and continuing through early 2007, the Commission enacted a series of reforms aimed at addressing audit and review weaknesses, strengthening the agency's internal and financial controls, and demonstrating that the agency has embraced higher standards. A list of many of the significant changes follows.

Administrative and Program Reforms	Purpose/Results
Implemented new payroll expenses policies.	The new policies require that payroll expenses be accounted for in the proper quarter.
Implemented new non-salary expenditure policies.	Requires all non- salary expenditures be properly authorized, approved, and have all supporting documentation.
Implemented account reconciliation procedures and hired new accounting service provider.	<p>Policies mandate the Commission's accounting service provider (GSA) and the agency's budget/finance officers reconcile account/records monthly, quarterly, annually.</p> <p>To ensure that the agency is reconciling budget information provided by GSA a reconciliation manual was developed in FY 2006 with the assistance of a consultant.</p>
Pursuing expansion of GSA's roles at the Commission to include budget operations.	<p>The Commission's expanded relationship with GSA would:</p> <ul style="list-style-type: none"> <li>-Compensate for the lack of staff in the budget office;</li> <li>-Provide improved financial management in budget formulation, execution, reporting; and</li> <li>-Support the agency's ongoing changes related to performance-budget integration.</li> </ul>
Implemented new travel system and policies.	<p>The Commission new travel policies are now in compliance with Federal travel regulations.</p> <p>The new travel management system used by the Commission (provided by GSA):</p> <ul style="list-style-type: none"> <li>-Allows travelers online access;</li> <li>-Identifies inconsistencies and errors;</li> <li>-Ensures prompt payment and assesses interest if payment is late; and</li> <li>-Has aged authorization reporting capabilities.</li> </ul>
Hired auditors to conduct required annual financial audits.	<p>Parker, Whitfield &amp; Co conducted a partial scope audit for FY04. The Commission requested bids for a full-scope audit but none were received. The final results of this audit were received in late FY 2006.</p> <p>Williams, Adley &amp;Co., LLP conducted a full-scope audit for FY 2005. This was the first audit completed by the Commission in 12 years. The firm also provided consulting services for FY 2006.</p>

Administrative and Program Reforms	Purpose/Results
	In FY 2006, the Commission received its first “clean” financial audit.
Addressed procurement shortcomings.	<p>Created document control checklist for the Administrative Services and Clearinghouse Division to ensure that all procure activity is documented and supported.</p> <p>The Commission also allocated training funds for procurement staff, created policies that delegated some purchasing authority to office/division heads and hired a Procurement Consultant to offer technical assistant to staff.</p> <p>A procurement guide was issued providing basic guidance on USCCR and federal procurement requirements.</p>
Developed and implemented project tracking mechanisms.	Program activity related expenses and resources are tracked to increase the Commission’s ability to effectively execute its core mission. Project cost tracking, though still evolving, will also enable the Commission to better justify future requests for additional resources and to allocate existing resources.
Developed and adopted new reforms to correct project planning weaknesses relating to Commissioner involvement.	<p>Commissioners now:</p> <ul style="list-style-type: none"> <li>-Participate in the planning, discovery, and report drafting phases of projects;</li> <li>-Approve the final discovery plan of projects; and</li> <li>-Have the opportunity to provide dissenting statements in reports.</li> </ul>
Addressed Government Performance and Results Act (GPRA) non-compliance.	<p>The Commission began collecting performance data in FY 2005 for inclusion in its PAR. Measuring performance will be improved with the final adopted of the proposed FY2008-2013 Strategic Plan.</p> <p>The budget prior estimates reflect the goals and objectives in the draft Strategic Plan(s).</p>
Revising its human capital performance management system (i.e., the rating or appraisal system).	<p>This system, currently under development, will increase workforce accountability by:</p> <ul style="list-style-type: none"> <li>-Linking agency performance plan critical elements to the agency’s strategic plan;</li> <li>-Clarifying performance standards; and</li> <li>-Training staff and managers/supervisors on effective performance management.</li> </ul>
Undertaking succession planning.	<p>Workforce planning will allow the agency to:</p> <ul style="list-style-type: none"> <li>-Link its strategic and program planning efforts to its current and future human capital needs (e.g., staffing levels, skills, abilities); and</li> <li>-Provide improved mission-based results or outcomes.</li> </ul>

Administrative and Program Reforms	Purpose/Results
	<p>The succession planning that is currently underway will assist the agency in:</p> <ul style="list-style-type: none"> <li>-Projecting potential retirement and attrition levels;</li> <li>-Identifying the skills and experience that will be lost; and</li> <li>-Creating a plan to fill projected vacancies, and the resulting loss of skills and abilities.</li> </ul>
<p>Adopted new policies for internal and external communications.</p>	<p>The new communication policies:</p> <ul style="list-style-type: none"> <li>-Formally designate the Chairman and the Staff Director as Commission spokespersons;</li> <li>-Require Commission spokespersons to acknowledge the existence of dissenting views;</li> <li>-Require a majority vote of Commissioners before issuing letters to the public and press releases regarding business of civil rights policy; and</li> <li>-Requires the Staff Director to submit weekly reports to the Commissioners.</li> </ul>
<p>Implemented new procedures for national office review of SAC reports.</p>	<p>The new procedures assure that reports are timely reviewed (i.e., review completed within a total of 65 days) and can be published without a formal vote of the Commissioners.</p>
<p>Adopted new SAC membership policies.</p>	<p>The new policy created term limits for SAC members and proposed new membership criteria that included skills particularly suited to social scientific evaluation (legal analysis, report writing, etc.).</p>
<p>Created and began implementation of a process for re-chartering SACs.</p>	<p>This process should:</p> <ul style="list-style-type: none"> <li>-Resolve the existing backlog of expired SAC charters; and</li> <li>-Reasonably ensure that newly expiring charters are timely renewed.</li> </ul>
<p>Formalize existing quality standards and implement additional standards as recommended.</p>	<p>Revisions to internal policies governing national office reports, and hearings and briefings, should:</p> <ul style="list-style-type: none"> <li>-Institutionalize agency requirements for the consideration and inclusion of varied and opposing of view;</li> <li>-Provide greater transparency and accountability in report production by establishing standards for reviewing, commenting, and revising draft reports; and</li> <li>-Document the report production process and ensure that the process is reviewed by an independent or external reviewer.</li> </ul>
<p>Though exempt from OMB's Program Assessment Rating Tool (PART), the agency requested a PART that began in FY 2006.</p>	<p>This process will provide valuable assistance:</p> <ul style="list-style-type: none"> <li>-During the agency's strategic planning process as long- and short-term goals are created and measures are established;</li> <li>-During annual performance reporting; and</li> <li>-During program planning and budget formulation/execution as program offices are</li> </ul>

Administrative and Program Reforms	Purpose/Results
	increasingly aware of the need to link proposed program activities to specific results or outcomes and funding requests.

## ENDNOTES

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<sup>1</sup> George W. Bush, “President Commemorates 40th Anniversary of Civil Rights Act,” July 1, 2004. Transcripts available at <<http://www.whitehouse.gov/news/releases/2004/07/20040701-10.html>> (last accessed April 29, 2007).

<sup>2</sup> Civil Rights Act of 1957. Pub. L. No. 85-315. § 101.71 Stat. 634. September 9, 1954. The constitutionality of the Commission was upheld in *Hannah v. Larche*. See 363 US 420, 452 (9160) (holding that Congress may, under the enforcement clause of the 15<sup>th</sup> Amendment, establish an investigatory and reporting agency to evaluate instances of discriminatory denials of voting rights and, under the 14<sup>th</sup> Amendment’s enforcement clause, establish an agency to investigate denials of the equal protection clause.)

<sup>3</sup> The Civil Rights Act of 1964. 78 Stat. 241, Pub. Law 88-352, July 2, 1964 (see Amendment in title V. 78 Stat. At 249. adding voter fraud.) [Hereinafter “The 1964 Act”]; The Civil rights Act of 1972, 86 Stat. 813, Pub. Law 92-496 Stat. 1067, Pub. Law 95-444, Oct. 10, 1978 [Hereinafter “the 1978 Amendment”].

<sup>4</sup> 103 P.L. 419, 108 Stat. 4338, October 25, 1994, codified at 42 U.S.C. 1975a.

<sup>5</sup> Report of the Executive Office of the President, “Executive Branch Cooperation with the Commission on Civil Rights at 5, February 27, 1959.

<sup>6</sup> Id. at 6.

<sup>7</sup> USCCR letter of January 31, 2006 to Senator Thad Cochran, “Report to the Senate Appropriations Committee on USCCR Reforms”; USCCR letter of September 30, 2005 to Senator Thad Cochran, “Report to the Senate Appropriations Committee on USCCR Reforms.” Available at <<http://www.usccr.gov>>.

<sup>8</sup> Congress slashed the Commission’s appropriations in the mid-Eighties has allowed it to stagnate since. The Commission’s funding level has essentially remained the same since 1991 at slightly more than \$9,000,000; the Commission’s Fiscal Year 2004 appropriation was \$9,096,000 and the Fiscal Year 2005 appropriation was \$9,023,000. After adjusting for inflation, between 1995 and 2001, the Commission’s budget slowly decreased from \$8.8 million to \$7.7 million. IN 1994, the Commission’s budget was worth \$7.8 million. In 2007, the Commission was funded via a year-long continuing resolution at the FY 2006 level of 9.048,000, worth approximately \$7.1 million in 1995 dollars.

<sup>9</sup> Salary and benefits account for the bulk of the Commission’s annual appropriation because, as these expenses rise, the Commission’s appropriation remains essentially the same. This disparity has created a situation of long-term financial pressure at the Commission. During most years, the Commission managed this pressure through attrition. In 1996, the Commission had a staff of 93. Staffing levels decreased through 2005 and, by September 30, 2005, the Commission had fewer than 50 full time employees.

As a result of this challenge, during Fiscal Year 2005 the Commission discussed the possibilities of a reduction-in-force and furloughs in FY2005, and the closure of two regional offices in Fiscal Year 2006 in an attempt to close a projected budget shortfall of approximately \$265,000. The Commission, however, has thus far avoided having to take these actions as a result of attrition, Commissioner vacancies, voluntary employee leave without pay, and other cost-saving measures. These measures have provided temporary relief for the agency but have not solved the long-term financial pressure at the Commission. Ultimately, the Commission’s financial deficit must be resolved either by increasing the size of its budget to cover its mandate, overhauling the Commission’s administrative structure, or by reducing its mandate to a scope commensurate with its budget.