

**U.S. COMMISSION ON CIVIL RIGHTS  
FY 2023 LAPSE IN APPROPRIATIONS  
CONTINGENCY PLAN**

<b>Lapse Plan Summary Overview</b>	
Estimated time (to nearest half day) required to complete shutdown activities:	.5
Total number of agency employees expected to be on board before implementation of the plan:	59
<b>Total number of employees to be retained under the plan for each of the following categories:</b>	
Compensation is financed by a resource other than annual appropriations:	0
Necessary to perform activities expressly authorized by law:	1
Necessary to perform activities necessarily implied by law:	6
Necessary to the discharge of the President's constitutional duties and powers:	0
Necessary to protect life and property:	0
<b>Summary of significant agency activities that will continue during a lapse:</b>	
None.	
<b>Summary of significant agency activities that will cease during a lapse:</b>	
During a lapse in appropriations, all work on critical civil rights reports (including our annual investigation of civil rights enforcement in the United States) ceases. In addition, the public will be unable to submit complaints alleging denial of civil rights because of color, race, religion, sex, age, disability, national origin, or in the administrative of justice.	

This FY 2023 Contingency Plan covers the operations of the U.S. Commission on Civil Rights (USCCR) and the Commission on the Social Status of Black Men and Boys (CSSBMB) during a lapse in appropriations. The USCCR is an independent federal agency charged by Congress with informing the development of national civil rights policy and reporting on the enforcement of federal civil rights laws. The USCCR pursues this mission by holding public briefings and investigating alleged deprivations of voting rights or allegations of discrimination based on race, color, religion, sex, age, disability, national origin, or in the administration of justice. The USCCR informs the President, Congress and the public of its findings and provides policy recommendations on civil rights issues. Congress has directed the USCCR to annually examine the civil rights enforcement efforts of a federal agency (known as our “statutory enforcement report.”). Congress has also statutorily-mandated that the USCCR establish 51 Advisory Committees in the states and the District of Columbia and directed the Commission to establish 5

Advisory Committees for U.S. Territories to provide information and reports to the USCCR on civil rights matters in those locations. The Advisory Committees are the local “eyes and the ears” of the USCCR.

The USCCR is comprised of 8 part-time Commissioners, 8 Commissioners Assistants, a Staff Director and 39 career staff employees. The Commission has a headquarters office in Washington, DC and regional offices, and is organized as follows:

- Office of the Staff Director
- Office of the General Counsel
- Office of Civil Rights Evaluation
- Office of Management (which has three components)
  - Administrative Services and Clearinghouse Division
  - Budget and Finance Division
  - Human Resources Division
- Regional Programs Coordination Unit and Regional Offices

The Commission on the Social Status of Black Men and Boys (CSSBMB) Act (Public Law 116-156) established CSSBMB within the U.S. Commission on Civil Rights Office of the Staff Director. The Commission on the Social Status of Black Men and Boys studies and makes recommendations to address social problems affecting Black men and boys.

The CSSBMB is comprised of 19 Commissioners (who are not considered employees) and 3 career employees.

The Anti-deficiency Act restricts both USCCR and CSSBMB’s ability to obligate funds in advance of appropriations or beyond appropriated levels. During a lapse in appropriations, the USCCR and CSSBMB will only continue the following categories of activities:

1. Those funded by a source that has not lapsed, such as permanent indefinite appropriations and carryover of no-year funds appropriated in a prior year;
2. Those for which there is an express authority to continue during an appropriations lapse;
3. Those for which authority to continue during an appropriations lapse arises by necessary implication;
4. Those related to the discharge of the President’s constitutional duties and powers; and
5. Those related to “emergencies involving the safety of human life or the protection of property,” i.e., where there is a reasonable likelihood that the safety of human life or the protection of property would be compromised, in some significant degree, by delay in the performance of the function in question.

## **I. Offices, programs, and services that will remain operational.**

A list of major services that will continue at the agency and the reason why each is able to continue due to another funding source, necessary implication, or necessary for the safety of life and the protection of property.

- ***Office of the Staff Director*** - The Staff Director, as a Presidential appointee, is excepted from the Anti-deficiency Act. The Staff Director manages the programs and administrative affairs of the agency and serves as agency liaison with the Executive Office of the President, the Congress, and other Federal agencies.
  - Reason: “Other funding source” - Presidential appointees who are not covered by the leave system in 5 U.S.C. Chapter 63, are not subject to furlough because their salary is an obligation incurred by the year, without consideration of hours of duty required, so they cannot be placed in a nonduty, non-pay status.
- On an intermittent or full-time basis as-needed, the following positions will be excepted: General Counsel, Director of the Office of Management and Agency Human Capital Officer, Human Resources Specialist, Chief of Budget and Finance, Chief of Administrative Services, and IT Specialist.
  - Reason: “Necessary implication” for orderly shut-down and restart of operations, and also to protect government property.
- ***USCCR.gov website*** – The website as posted on the last day that the Commission receives appropriations will remain available online. However, no revisions or updates will be made due to lack of funding.
- ***Employee Emails*** – Employees may check their Commission emails once a day for information and updates regarding the lapse in appropriations.

## **II. Offices, programs, and services that will be closed.**

- ***Office of Federal Civil Rights Evaluation*** - This Office is responsible for monitoring, evaluating and reporting on the civil rights enforcement effort of the Federal Government; developing concepts for programs, projects, and policies directed toward the achievement of Commission goals; preparing documents that articulate the Commission's views and concerns regarding Federal civil rights to Federal agencies having appropriate jurisdiction; and receiving complaints alleging denial of civil rights because of color, race, religion, sex, age, disability, or national origin and referring these complaints to the appropriate government agency for investigation and resolution. During a lapse in appropriations, all work on these critical reports (including our annual statutory report) ceases.

- **Office of the General Counsel** - This office serves as legal counsel to the agency; receives and responds to requests for material under the Freedom of Information Act or Privacy Act; serves as the agency's ethics office; and reviews all agency publications and congressional testimony for legal sufficiency.
- **Office of Management** - This office is responsible for all administrative, management, and facilitative services necessary for the operation of the agency, including financial management, personnel, publications, and the National Clearinghouse Library.
- **Regional Programs Coordination Unit** – These employees are responsible for directing and coordinating the programs and work of the statutorily-required 51 State Advisory Committees and 5 Territory Advisory Committees to the Commission and maintaining liaison between the regional offices and the various headquarters' offices of the Commission.
  - Regional Staff - The Commission has staff throughout the United States. These employees coordinate studies and fact-finding activities on a variety of civil rights issues as studied by the Advisory Committees.
- **CSSBMB** – These employees' study, document, and report on the conditions affecting Black men and boys and propose measures to alleviate and remedy the underlying causes of the conditions affecting Black men and boys.

### **III. Key public services that will be impacted.**

- **Office of Federal Civil Rights Evaluation** - This Office will not be able to receive and refer complaints from the public alleging denial of civil rights because of color, race, religion, sex, age, disability, national origin, or in the administrative of justice.
- **Office of the General Counsel** - This office will not be able to receive and respond to requests from the public for material under the Freedom of Information Act or Privacy Act.

### **IV. Employees.**

- Total number of Political Employees: 17
- Total number of Political Employees Furloughed: 16
- Total number of Career Employees: 42
- Total number of Career Employees Furloughed: 42\*

\* In the absence of the Staff Director, the Director of the Office of Management will not be completely furloughed to liaison with the Executive Office of the President,

the Congress, and other Federal agencies. Additionally, as discussed above, certain positions will be excepted on an intermittent or full-time basis as-needed.