



The U. S. Commission on Civil Rights Urges Congress to Prioritize Civil Rights in the Fiscal Year 2019 Budget

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The majority of the members of the U.S. Commission on Civil Rights are dismayed that the Administration's proposed budget for Fiscal Year 2019 again drastically cuts civil rights enforcement across key federal agencies. The Commission urges Congress instead to prioritize federal civil rights enforcement resources.

Available data reflects growing need for federal enforcement of civil rights.¹ Yet the White House not only fails to seek increases in funding for its agencies' civil rights enforcement work, it instead proposes dramatic cuts in funding and personnel and to reduce the federal role even in serving as a critical backstop against harm to vulnerable Americans. For example, the Department of Education touts limiting the federal role in education as a highlight of its budget proposal.² Despite reports of an increase in racial harassment and hate crimes, the Administration proposes to eliminate 27 additional positions in the Department of Justice's Civil Rights Division,³ 23 investigative positions in the Department of Education's Office for Civil Rights,⁴ and 75 positions in the Office of Federal Contract Compliance Programs in the Department of Labor.⁵ The Administration's budget request proposes to slash the budget of the Office for Civil Rights at the Department of Health and Human Services (HHS) by 20%, \$8 million below its budget for the last two years.⁶

¹ See Mark Berman, Hate crimes in the United States increased last year, the FBI says, *Washington Post*, Nov. 13, 2017, https://www.washingtonpost.com/news/post-nation/wp/2017/11/13/hate-crimes-in-the-united-states-increased-last-year-the-fbi-says/?utm_term=.158385585400; Rebecca Klein, Schools See Major Uptick In Racial Harassment, New Data Suggests, *Huffington Post*, Feb. 23, 2018, https://www.huffingtonpost.com/entry/racial-harassment-in-schools-uptick_us_5a8db498e4b03414379cae76. See also U.S. Department of Health and Human Services, FY 2019 Budget In Brief, <https://www.hhs.gov/sites/default/files/fy-2019-budget-in-brief.pdf>, at 124 (noting that case receipts for HHS' Office for Civil Rights "are expected to further rise in FY 2019").

² U.S. Department of Education, Fiscal Year 2019 Budget Summary and Background Information, <https://www2.ed.gov/about/overview/budget/budget19/summary/19summary.pdf>, at 6.

³ U.S. Department of Justice, General Legal Activities: Civil Rights Division (CRT): FY 2019 Budget Request At A Glance, <https://www.justice.gov/file/1033091/download>.

⁴ U.S. Department of Education, Office for Civil Rights, Fiscal Year 2019 Budget Request, <https://www2.ed.gov/about/overview/budget/budget19/justifications/z-ocr.pdf>, at Z-14.

⁵ U.S. Department of Labor, Office of Federal Contract Compliance Programs, FY 2019 Congressional Budget Justification, <https://www.dol.gov/sites/default/files/budget/2019/CBJ-2019-V2-10.pdf>, at OFCCP-5.

⁶ U.S. Department of Health and Human Services, FY 2019 Budget In Brief, <https://www.hhs.gov/sites/default/files/fy-2019-budget-in-brief.pdf>, at 124.

None of the White House's proposed budget increases is directed at increasing civil rights enforcement.⁷ Even where Congress rejected the Administration's proposed cuts to civil rights enforcement last year and provided for an increase in such funding, the White House now seeks \$1.1 million less funding even than Congress appropriated specifically for that purpose in the current fiscal year.⁸

Likewise, the Department of Health and Human Services projects an increase in civil rights complaint receipts in the coming year,⁹ but the Administration proposes not only significantly decreasing its budget but also compounding its workload through creation of its new Conscience and Religious Freedom Division – without addressing how this Division's budget and staffing will impact the Office for Civil Rights' ability to carry out the other critical portions of its mandate.

The White House budget also proposes to zero out the budget of the Department of Justice's Community Relations Service (CRS), and transfer its functions to the Civil Rights Division. That transfer would further reduce the functional budget of the Civil Rights Division – which the Administration already proposes to cut by 27 people – by adding to its workload without funding that work. Of further concern, CRS provides critical services, as the budget request itself acknowledges, to assist communities with preventing and resolving tensions and violence related to discrimination – including violent hate crimes committed on “the basis of actual or perceived race, color, national origin, gender, gender identity, sexual orientation, religion, or disability.”¹⁰ An essential function of CRS is to act as a mediating presence in communities experiencing conflict; combining its function with the Civil Rights Division, which investigates and prosecutes offenders of civil rights laws, could harm the effective function of CRS.

In addition, the Administration's budget request proposes to cut nearly \$3 million from the Department of Housing and Urban Development's Fair Housing Initiatives Program's Education and Outreach Initiative.¹¹ This program, as part of HUD's efforts to provide fair housing enforcement and education across the country, funds critical efforts to inform the public on the rights, responsibilities, remedies, and resources available under the Fair Housing Act. The dollars lost in this program – nearly a third of what was allocated the last two years – could have a devastating impact. Recent news reports that the Department is considering removing the language in its mission

⁷ <https://www.taxpayer.net/national-security/department-homeland-security-one-just-three-receiving-increase/>

⁸ U.S. Department of Education, Office for Civil Rights, Fiscal Year 2019 Budget Request, <https://www2.ed.gov/about/overview/budget/budget19/justifications/z-ocr.pdf>, at Z-2.

⁹ U.S. Department of Health and Human Services, FY 2019 Budget In Brief, <https://www.hhs.gov/sites/default/files/fy-2019-budget-in-brief.pdf>, at 124.

¹⁰ U.S. Office of Management and Budget, Efficient, Effective, Accountable: An American Budget: Appendix (2018), <https://www.whitehouse.gov/wp-content/uploads/2018/02/appendix-fy2019.pdf>, pp. 699-700. The Commission has taken up an independent assessment of the federal role in responding to hate crimes which will also examine the Department of Justice's efforts to prosecute and enforce relevant laws in its jurisdiction. See USCCR, News Release, U.S. Commission on Civil Rights Announces Statement on Federal Civil Rights Enforcement and its Reports Planning for Fiscal Years 2018 and 2019, Jun. 19, 2017, <http://www.usccr.gov/press/2017/06-19-PR.pdf>.

¹¹ U.S. Department of Housing and Urban Development, Fair Housing and Equal Opportunity FY 2019 Congressional Justification, <https://www.hud.gov/sites/dfiles/CFO/documents/34%20-%20FY19CJ%20-%20FHEO%20-%20Fair%20Housing%20Programs.pdf>.

statement that HUD is to “build inclusive and sustainable communities free from discrimination”¹² compound the Commission’s concern regarding reducing funding specific to fair housing. Secretary Carson promises that HUD will continue its “legal and rightful role in protecting Americans from housing discrimination,”¹³ whether or not the mission statement includes that commitment. However, removing the formal commitment to nondiscrimination while also proposing to reduce funds signals a retreat from the equity mission of the agency, harming communities around the country who depend on HUD to ensure they are not subject to discriminatory and unequal access to housing.

These proposed cuts and failure to prioritize civil rights enforcement reflect a dangerous departure from the federal role in protecting core rights to which this nation has committed and recommitted itself over the past 60 years.

Last June, the Commission unanimously approved a comprehensive two-year assessment of federal civil rights enforcement, which will conclude in Fiscal Year 2019. The ongoing review examines the degree to which current budgets and staffing levels allow civil rights offices to perform their statutory and regulatory functions, the management practices in place in the offices and whether these practices are sufficient to meet the volume of civil rights issues within the offices’ jurisdiction, and the efficacy of recent civil rights enforcement efforts from the offices.¹⁴

Though our assessment is ongoing and our final report will not issue until the close of Fiscal Year 2019, the Administration’s second budget proposal is, as its first one was, deeply alarming.¹⁵

Chair Catherine E. Lhamon states: “The Commission urges Congress to reject this Administration’s retreat on civil rights and instead to appropriate funds at the level necessary to ensure effective enforcement of federal civil rights, so that we might all live the promise of the justice and equality for all. Congress – and this Administration, if it were appropriately focused on fair representation of all Americans – could balance all American interests to ensure equity and fairness through the budget.”

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The U.S. Commission on Civil Rights, established by the Civil Rights Act of 1957, is the only independent, bipartisan agency charged with advising the President and Congress

¹² Amanda Terkel, Ben Carson Removes Anti-Discrimination Language from HUD Mission Statement, Huffington Post, Mar. 6, 2018, https://www.huffingtonpost.com/entry/hud-mission-statement_us_5a9f5db0e4b002df2c5ec617.

¹³ Amanda Terkel, Ben Carson Backpedals On Removing Anti-Discrimination Language from HUD Mission Statement, Huffington Post, Mar. 8, 2018, https://www.huffingtonpost.com/entry/ben-carson-hud-mission-statement_us_5aa1970de4b04c33cb6ceeee.

¹⁴ USCCR, The U.S. Commission on Civil Rights Expresses Concern Regarding Federal Civil Rights Enforcement Efficacy and Priorities, Jun. 16, 2017, <http://www.usccr.gov/press/2017/06-16-Efficacy-of-Federal-Civil-Rights-Enforcement.pdf>.

¹⁵ U.S. Office of Management and Budget, Efficient, Effective, Accountable: An American Budget (2018), <https://www.whitehouse.gov/wp-content/uploads/2018/02/budget-fy2019.pdf>.

on civil rights and reporting annually on federal civil rights enforcement. Our 51 state Advisory Committees offer a broad perspective on civil rights concerns at state and local levels. The Commission: in our 7th decade, a continuing legacy of influence in civil rights. For more information about the Commission, please visit <http://www.usccr.gov> and follow us on [Twitter](#) and [Facebook](#).