



**June 16, 2017**

**The U.S. Commission on Civil Rights Expresses Concern  
Regarding Federal Civil Rights Enforcement Efficacy and Priorities**

The Commission, by majority vote, expresses concern with the Administration's proposed budget cuts to and planned staff losses in numerous programs and civil rights offices across the federal government that enforce our nation's federal civil rights laws. Along with changing programmatic priorities, these proposed cuts would result in a dangerous reduction of civil rights enforcement across the country, leaving communities of color, LGBT people, older people, people with disabilities, and other marginalized groups exposed to greater risk of discrimination.

The Commission unanimously approved a comprehensive two-year assessment of federal civil rights enforcement, which will conclude in Fiscal Year 2019. The review will examine 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 resolution efforts from the offices.

The Commission believes this investigation is necessary to fulfill our core mandate to "monitor [ ] Federal civil rights enforcement in the United States."<sup>1</sup> That mandate includes assessment of discrimination or denials of equal protection in the administration of justice. The Commission has grave concerns about continuing signals from the current Administration, including the President's proposed budget and statements of Cabinet and senior Administration officials, that the protection and fulfillment of civil rights of all persons will not be appropriately prioritized.

The Commission is particularly concerned with the following:

- **Department of Justice (DOJ)** – Actions by the Department indicate it is minimizing its civil rights efforts. For example, a majority of the Commission criticized DOJ's decision to site Immigrations and Customs Enforcement officers

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<sup>1</sup> 42 U.S.C. § 1975a(c)(1). The Commission has conducted such a review several times in its history. See the following reports by the U.S. Commission on Civil Rights: *The Federal Civil Rights Enforcement Effort* (1973); *Funding Federal Civil Right Enforcement: 2000 and Beyond* (2001); *Funding Federal Civil Rights Enforcement: 2000 – 2003* (2002); *Funding Federal Civil Rights Enforcement: 2005* (2004); *Funding Federal Civil Rights Enforcement: The President's 2006 Request* (2005).

in courthouses as a dangerous impediment to access to justice for all Americans.<sup>2</sup> Following distressing changes, DOJ's Civil Rights Division's newly identified priorities do not mention the need for constitutional policing or to combat discrimination against the LGBT community or people with disabilities. Tellingly, the Civil Rights Division's budget request calls for cutting 121 positions, including 14 attorneys.<sup>3</sup>

- **Department of Education** – The proposed budget calls for reducing staffing by 7 percent (losing 46 full time equivalent positions) at the department's Office for Civil Rights, which investigates sex, race, disability, and age based civil rights complaints.<sup>4</sup> The proposed budget itself reflects that the cutbacks would result in an untenable caseload of 42 cases per staff member. These proposed cuts are particularly troubling in light of Education Secretary Betsy DeVos' repeated refusal in Congressional testimony and other public statements to commit that the Department would enforce federal civil rights laws.<sup>5</sup>
- **Department of Labor** – The Administration has proposed to reduce staffing levels at the Department's Office of Federal Contract Compliance Programs (OFCCP) by nearly 23%.<sup>6</sup> The Administration also proposes merging OFCCP, which monitors and enforces civil rights laws among federal contractors, with the Equal Employment Opportunity Commission (EEOC).<sup>7</sup> OFCCP and EEOC have distinct missions, and folding a reduced-staff OFCCP into EEOC while at the same time not providing additional resources to EEOC<sup>8</sup> will lead to significant reductions in the capability to monitor civil rights compliance efforts among federal contractors and at best compromise the EEOC's ability to satisfy its already extant civil rights enforcement functions.
- **Department of Housing and Urban Development** – The President's budget proposal calls for an approximately 15% cut to HUD's budget, resulting in staff loss as well as billions of dollars of cuts to grant programs that subsidize housing and community development for our nation's most vulnerable

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<sup>2</sup> USCCR, U.S. Commission on Civil Rights Express Concern with Immigrants' Access to Justice (Apr. 24, 2017), [http://www.usccr.gov/press/2017/Statement\\_04-24-2017-Immigrant-Access-Justice.pdf](http://www.usccr.gov/press/2017/Statement_04-24-2017-Immigrant-Access-Justice.pdf).

<sup>3</sup> Department of Justice, General Legal Activities, Civil Rights Division (CRT), FY 2018 Budget Request At A Glance, <https://www.justice.gov/jmd/page/file/968381/download>.

<sup>4</sup> Department of Education, Office for Civil Rights, Fiscal Year 2018 Budget Request, available at <https://www2.ed.gov/about/overview/budget/budget18/justifications/z-ocr.pdf>.

<sup>5</sup> Edwin Rios, *Watch Betsy DeVos Dodge Questions About How She'd Deal with Private Schools that Discriminate*, Mother Jones (May 24, 2017), <http://www.motherjones.com/politics/2017/05/betsy-devos-discrimination-lgbt-congress/>.

<sup>6</sup> FY2018 Department of Labor, Budget in Brief, p. 26, <https://www.dol.gov/sites/default/files/FY2018BIB.pdf>.

<sup>7</sup> *Id.*

<sup>8</sup> See Fiscal Year 2018, Congressional Budget Justification, U.S. Equal Employment Opportunity Commission, <https://www.eeoc.gov/eeoc/plan/2018budget.cfm> (showing a flat request from FY2017).

communities.<sup>9</sup> The proposed budget also calls for the elimination of the U.S. Interagency Council on Homelessness.<sup>10</sup> The reduction of these programs would deal devastating blows to the Department's work to reduce segregation and promote fair housing.

- **Department of Health and Human Services** – The proposed budget calls for a 15% cut and a 10% staff reduction to the Office of Civil Rights, the office charged with investigating civil rights violations in healthcare settings.<sup>11</sup>
- **Environmental Protection Agency (EPA)** – The proposed budget eliminates the EPA's Environmental Justice program, including nearly 40 employees.<sup>12</sup> The program provides support to address the disproportionate burden of environmental policies and decisions on communities of color and low income and tribal communities.
- **Legal Services Corporation (LSC)** – The proposed budget eliminates federal funding (\$351M) for LSC.<sup>13</sup> LSC is a private non-profit organization established by Congress to support civil legal aid for low income Americans. Access to counsel is crucial to ensuring the fair administration of justice. Any reduction in the availability of these services, which are already insufficient to meet the needs of low-income Americans, indicates that fewer just and fair outcomes would be secured.

Chair Catherine E. Lhamon states: "For 60 years, Congress has charged the Commission to monitor Federal civil rights enforcement and recommend necessary change. We take this charge seriously, and we look forward to reporting our findings to Congress, the President, and the American people."

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The U.S. Commission on Civil Rights is an independent, bipartisan agency charged with advising the President and Congress on civil rights matters and issuing an annual federal civil rights enforcement report. For information about the Commission, please visit <http://www.usccr.gov> and follow us on [Twitter](#) and [Facebook](#).

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<sup>9</sup> White House FY2018 Budget Proposal, Department of Housing and Urban Development, p. 558, <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/budget/fy2018/hud.pdf>.

<sup>10</sup> White House FY2018 Budget Proposal, Other Independent Agencies, p. 1231, <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/budget/fy2018/oia.pdf>.

<sup>11</sup> HHS FY 2018 Budget in Brief – OCR, <https://www.hhs.gov/about/budget/fy2018/budget-in-brief/ocr/index.html>.

<sup>12</sup> EPA, *Fiscal Year 2018 Justification of Appropriation Estimates for the committee on Appropriations* 151 (May 2017), <https://www.epa.gov/sites/production/files/2017-05/documents/fy-2018-congressional-justification.pdf>.

<sup>13</sup> Office of Management and Budget, 2018 Major Savings and Reforms, Budget of the U.S. Government Fiscal Year 2018 98 (2017), <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/budget/fy2018/msar.pdf>.