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USCCR SALARIES AND EXPENSES

| | |
|---|-------------|
| Congressional Appropriation Request for FY 2011 | \$9,400,000 |
| Congressional Appropriation Request for FY 2010 | \$9,400,000 |
| Congressional Appropriation for FY 2009 | \$8,800,000 |

APPROPRIATION LANGUAGE

FEDERAL FUNDS

Salaries and Expenses

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$9,400,000: Provided, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

FY 2011 PROGRAM PRIORITIES

Our \$9.4 million appropriation request should support our civil rights agenda for America of promoting equal opportunity without regard to color, race, religion, sex, age, disability, or national origin. It should allow the Commission not only to be a civil rights watchdog, but to support, advise and collaborate with the President, Congress, and other federal agencies when necessary and appropriate. It should also allow us to continue providing the public access to critical civil rights information.

Our mission includes informing the development of national civil rights policy and enhancing enforcement of federal civil rights laws through quality research, objective findings, and sound recommendations for action. The President, Congress and the public benefit from our mandate¹ of keeping all informed regarding 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. We seek to achieve our mission in a manner that both recognizes the full range of civil rights issues facing Americans today and is responsive to the emergence of new issues and challenges.

¹ We have six specific statutory responsibilities: (1) investigate charges of citizens being deprived of voting rights because of color, race, religion, sex, age, disability, or national origin; (2) collect and study information concerning legal developments constituting a denial of equal protection under the law or in the administration of justice; (3) monitor and appraise federal laws, policies and agencies to assess their civil rights enforcement efforts; (4) serve as a national clearinghouse for civil rights information; (5) prepare public service announcements and advertising campaigns to discourage discrimination and denials of equal protection of the laws; and (6) issue reports with findings and recommendations to the President and Congress.

Our strategic vision is rooted in four goals that call for us to:

- Shape a national conversation on current and future civil rights issues that identifies civil rights priorities for policy makers.
- 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.
- Serve as an authoritative national clearinghouse and repository of civil rights data and information.
- Normalize the Commission's financial and operational controls, and modernize its information technology management and dissemination.

Examples of proposed initiatives in the operational and managerial areas include completion of a human capital plan in FY 2010 with implementation beginning in early FY 2011. The plan will incorporate specific initiatives, to be executed according to an agreed upon timetable, that will improve challenges we face in talent, performance, and knowledge management, as well as leadership development. It will also align our human resources practices with the agency's strategic goals and objectives to optimize our opportunities for success.

During FY 2011, we propose developing follow-up activities and creating an action plan that includes improvement targets designed to increase employee satisfaction. This project, based on the results of the agency's Federal Human Capital Survey, will be consistent with OPM's human resources initiative and requirements but, at the same time, reflect a consideration of existing agency human and budgetary resources. With an experienced full-time budget director joining the agency in early FY 2010, we anticipate implementing additional procedures to improve budget-performance integration during FY 2010 and FY 2011. During this same period the budget director, working with our external accounting services provider, will also focus on improving agency project and activity cost reporting.

We will also conduct appropriate follow-up on the results of our employee wellness assessment. In FY 2009, we conducted a WellCheck Appraisal assessing employee health and wellness risks based on Healthy People 2010 indicators. Our Human Resources Division will assess the results of the appraisal, as required by the Office of Personnel Management (OPM), during FY 2010 and will develop an action plan (as determined appropriate and consistent with existing resources) during FY 2011.

The information technology (IT) office, staffed by one IT specialist, will continue ongoing initiatives and begin new initiatives during FY 2011 that include:

- ongoing implementation and revision of the agency's multi-year IT investment plan that encompasses upgrades to hardware and software,
- integrating office equipment to improve efficiency, to reduce maintenance costs, and to take advantage of the economy of scale when making future purchases,
- using cloud computing to expand our ability to gain secure remote access to agency information and data (e.g., backing up the email server), and
- developing, implementing and monitoring our response to the findings of an IT assessment commissioned by the agency in FY 2009 to determine how our IT systems could be improved or upgraded to support existing and future needs.

Throughout FY 2011, we will focus on these initiatives and continue the core fact-finding priorities manifested in our strategic goals and objectives. In addition to these, we currently propose two other high priority program goals:

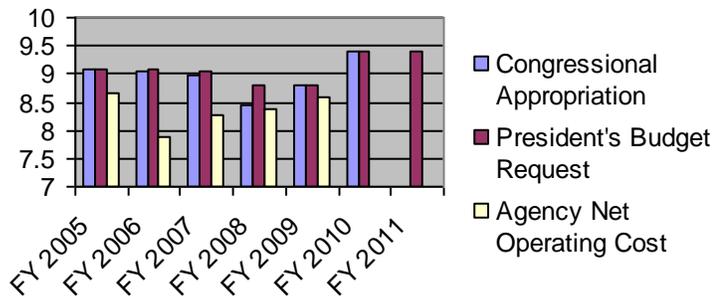
- Consolidating information about civil rights enforcement efforts of other Federal agencies in one location to inform the public about their rights and the enforcement of the nation’s civil rights laws.
- Coordinating and cooperating with civil rights enforcement agencies during times of national emergencies, such as significant natural disasters and homeland security emergencies, to support the continuity of civil rights protections and enforcement.

These two priorities support the Commission’s Strategic Plan goal of 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. We provide a detailed discussion of the Commission’s strategic plan and FY 2011 annual performance goals in subsequent sections of this budget submission; however, an overview of our most recent funding and staffing levels is first presented in the following section.

OVERVIEW OF AGENCY FUNDING

Over the last decade or more, the agency’s operating budget has fluctuated within a range of \$8.4 million to \$9.0 million; however, it should be noted that inflation has reduced the real value of these dollars over time. Consequently, we use attrition-related savings to absorb increasing expenses such as cost-of-living adjustments, pay raises (within grade increases and career ladder promotions), benefits, and performance awards and bonuses. We also used attrition-related savings to fund financial and operational improvement initiatives, support infrastructure improvements such as upgrades to our information technology systems, and pay for increases in rent, accounting services and various other operational expenses.

6-Year Funding Pattern
(in millions and excluding rescissions and other adjustments)



| TABLE 1: AGENCY ANNUAL APPROPRIATION | | | | | |
|---|--------------|--------------|--------------|--------------|----------------|
| | FY 06 | FY 07 | FY 08 | FY 09 | FY 2010 |
| President's Budget Request | \$9,096,000 | \$9,048,923 | \$8,800,000 | \$8,800,000 | 9,400,000 |
| Congressional Appropriation | \$9,000,000 | \$8,972,000 | \$8,460,000 | 8,800,000 | 9,400,000 |

| TABLE 2 : USCCR NET COST OF OPERATIONS² | | | | |
|---|----------------|----------------|----------------|-----------------------|
| FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 (est.) |
| \$8,650,232 | \$7,899,216 | \$8,271,321 | \$8,383,710 | \$8,597,107 |

Our FY 2011 budget request of \$9.4 million is consistent with the President's FY 2010 request. Based on this funding level, we immediately absorb the increase in onboard personnel-related expenses.³ Overall, our personnel costs continue to account for two-thirds of the agency's budget. Throughout the years, as we continue to absorb increasing personnel costs through attrition, our actual staffing levels decline. Our staffing level in FY 1983 was 229 full-time equivalent employees (FTEs) compared to 47 FTEs in FY 2009, and projections of 46 FTEs in FY 2010 and FY 2011.

| TABLE 3: EMPLOYMENT SUMMARY⁴ | | | | | | | | |
|---|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-----------------------|
| | FY 2003 (actual) | FY 2004 (actual) | FY 2005 (actual) | FY 2006 (actual) | FY 2007 (actual) | FY 2008 (actual) | FY 2009 (actual) | FY 2010 (est.) |
| Civilian Full-time Equivalent Employment | 71 | 63 | 55 | 46 | 47 | 44 | 47 | 46 |

See Table A-1, *FY 2011 Proposed Staffing Plan*, in the Appendix, for agency staffing plans by office/division, position and grade level.

Projected FY 2011 Spending Compared to Projected FY 2010 Spending

In FY 2010 the agency's appropriation was \$9.4 million, the same as our FY 2011 request. In FY 2011, we are reducing travel and other expenditures compared to our FY 2010 operating budget. Furthermore, we are reconsidering the timing of investments in several information technology (IT) items. Several larger items proposed for acquisition during FY 2011 were purchased during FY 2009 and at least one other purchase may be postponed. We estimate the Commission's IT budget savings at \$145,000 in FY 2011. Several sources of these savings include:

- the purchase of several PCs and laptops during FY 2009 instead of FY 2011,
- the release of FY 2011 funding designated for upgrades to the agency's Web site (including the proposed civil rights information Web site modeled on the "USA.gov" site) because the upgrades are already fully funded,

² As reported in the Financial Statements in the agency's annual *Performance and Accountability Reports*.

³ This is determined based on budgeted FY 2010 salaries and benefits of \$6,202,240 and projected FY 2011 personnel costs of \$6,256,881.

⁴ Staffing levels are those reported in the *Budget of the United States Government* for FY 2006 through FY 2010.

- the delay of a project to establish regional office connectivity to the agency’s shared or common computer drive, and
- the postponement of the purchase of new desktop software for the regional offices.

Changes in the quantity or scope of other agency activities should result in estimated savings of \$68,000; these include:

- phasing in biometric identification tokens instead of immediate agency-wide implementation, and
- identification and reduction of redundant costs in printing, communication, and contractual services.

These actions should not compromise our current IT capacity and we still anticipate being able to upgrade our agency Web site and create a new national civil rights information Web site. This new site is proposed as a national clearinghouse database on enforcement actions, policies and information from four key departments and agencies – the departments of Labor, Education, Justice and the Equal Employment Opportunity Commission. It will also provide information about civil rights complaints filed with these and other federal agencies.

Our FY 2011 agency operating plan reduces non-personnel related spending in five of seven areas. These reductions take spending to below FY 2010 levels in order to operate within a \$9.4 million budget, as shown in Table 4, *Percent Change by Budget Category from Between FY 2010 and FY 2011*.

| TABLE 4: PERCENT CHANGE BY BUDGET CATEGORY BETWEEN FY 2010 AND FY 2011 | | | |
|---|------------------|------------------|----------------|
| | FY 2010 | FY 2011 | %Change |
| Salaries | 4,929,059 | 5,039,275 | 2% |
| Benefits | 1,273,181 | 1,217,606 | -4% |
| Travel | 202,232 | 194,228 | -4% |
| Rent Communications⁵ | 1,512,501 | 1,499,509 | -1% |
| Contractual Services⁶ | 1,289,166 | 1,255,404 | -4% |
| Supplies⁷ | \$89,861 | 81,792 | -9% |
| Printing | 70,500 | 74,686 | 6% |
| Transport of Things | 2,750 | 0 | -100% |
| Equipment | 30,750 | 37,500 | 18% |
| TOTAL | 9,400,000 | 9,400,000 | N/A |

⁵ Communications consist of FEDEX mail, UPS, local telephone service, long distance service, postage and fees, blackberry transmissions, and conference calls.

⁶ Contractual services include external accounting services, auditing services, electronic travel services, temporary/contract labor, IT consulting services, court reporting/transcription services, and various inter-agency agreements/contracts for goods and services.

⁷ Supplies consists of newspaper subscriptions, general office and operating supplies, and IT supplies and materials.

The Commission, for example, is spending less in invitational and other travel for hearing witnesses and briefing presenters. We are also reducing spending on telecommunications, contractual services, transportation of things or shipping, and basic office supplies.

OVERVIEW OF AGENCY PERFORMANCE AND ACCOMPLISHMENTS

The performance section of this submission highlights several FY 2009 program accomplishments and activities, reviews elements of the agency's strategic plan and the FY 2011 annual performance plan, and discusses agency performance associated with a FY 2011 budget of \$9.4 million.

Led by eight commissioners,⁸ our national and regional office staff of civil rights analysts, social scientists, attorneys, and our 51 state advisory committees, will carry out our mission in FY 2011 by continuing to improve the degree to which we align our program activities with the goals and objectives in our new strategic plan. We will measure performance against established targets, and report on our challenges and successes. In short, we will hold ourselves accountable for results.

We will serve these goals and continue the tradition of being the nation's conscience on civil rights matters in several ways, one of which is through our fact-finding activities. Our national briefings use various subject matter experts, with different views, opinions, and perspectives, to discuss and examine civil rights issues. Researchers and social scientists, lawyers, federal and state government decision-makers, national and local organizations, and those directly affected by the policies or alleged discrimination are all included among the experts. We publish reports on our briefing topics examining the issues, data, and recommendations, if any, raised during the briefings. These reports also reflect our supplemental research, independent analyses, and our recommendations for future action by policymakers and Federal civil rights enforcement agencies. Examples of our civil rights work in FY 2009 include approving five reports for publication on civil rights topics such as:

- minorities in special education,
- election monitoring by the Department of Justice during the 2008 presidential election,
- civil rights implications of the mortgage crisis (annual enforcement report),
- Supplemental Educational Services under the No Child Left Behind Act, and
- Title IX Athletics.

During FY 2009, we organized public briefings on existing and emerging civil rights issues. These civil rights policy briefings featured experts, researchers, academicians, and advocates discussing various aspects of civil rights policy. The Commission, through these briefings, highlighted several relevant and timely civil rights issues including healthcare disparities between minorities and non-minorities, English as the common language in the workplace, and the mortgage crisis. The Commission's FY 2009 statutory report was on the mortgage crisis.

Aside from reports and briefings, the Commission stayed engaged on timely civil rights matters by sending policy letters to the President, members of Congress and other policymakers and offering Congressional testimony, both collectively and in their individual capacities, on a variety of civil rights issues. For example, the Commission commented on both federal and state bills with implications for civil rights during FY 2009, including the Matthew Shepard Hate Crimes Prevention

⁸ Four commissioners are presidential appointees and four are congressional appointees, all serve six-year terms.

Act, the Native Hawaiian Government Reorganization Act, and Ohio State Bill 146.⁹ In a June 2009 letter to Congress, the Commission criticized hate crimes legislation that did little to protect individuals against those motivated by racial or other prohibited animus and raised civil liberties concerns.¹⁰ In August 2009, we again advised members of Congress on the reintroduced Native Hawaiian Government Reorganization Act, reiterating our opposition to the use of racial or ethnic categories by federal or state government. We opposed the legislation because it permits Hawaii to use racial or ethnic categories when distributing benefits and burdens and establishes a harmful precedent by establishing a separate sovereign for an ethnic group within a state.¹¹ Commissioners Gail Heriot and Michael Yaki offered testimony in their capacities as members of the Commission to the House Committee on Natural Resources on the Native Hawaiian Government Reorganization Act of 2009.¹² Commissioners also sent several letters expressing their concerns over the implications of the Department of Justice's dismissal of voter intimidation charges against members of the New Black Panthers Party in Philadelphia.¹³ Those early letters involving the case have formed the basis of the Commission's FY 2010 enforcement report project. (The Commission's policy letters are not coordinated with or approved by the White House or OMB, reflecting its unique role as an agency charged in part with independently appraising federal laws and policies with respect to discrimination or denial of equal protection because of race, color, religion, sex, age, disability or national origin or in the administration of justice).

In addition to serving our stakeholders through our reports and briefings, we provide a complaint referral service that allows us to provide a public service as well as informally collaborate with other federal agencies. Complaints received by our headquarters office most often involve discrimination in the administration of justice and employment, law enforcement misconduct, and the rights of institutionalized persons. Other types of complaints include discrimination in housing, education, federal programs, voting, and public accommodations, violence or threats of violence based on prohibited animus, and human rights violations. In FY 2009, we received 3,786 complaints and requests for assistance from the public and members of Congress.¹⁴ This is an increase of about 4 percent over FY 2008. The majority of these complaints were referred to other federal agencies with civil rights enforcement authority. Of these, approximately 87 percent were referrals to the

⁹ Letter of Commission to Ohio State Senator Ray Miller (July 21, 2009), available at <http://www.usccr.gov/correspd/NativeHawaiianReorganization82809.pdf> (last visited Oct. 14, 2009).

¹⁰ Letter of the Commission to the President and Several Members of the Senate Regarding S. 909 (June 16, 2009), available at <http://www.usccr.gov/correspd/SenateHateCrimes06-16-09.pdf> (last visited Oct. 14, 2009).

¹¹ Letter of the Commission to Members of Congress on the Native Hawaiian Government Reorganization Act (Aug. 28, 2009), <http://www.usccr.gov/correspd/NativeHawaiianReorganization82809.pdf> (last visited Oct. 14, 2009).

¹² Copies of the testimony are available on the Commission's website and on the website of the House Natural Resources Committee.

¹³ Letter of the Commission to Loretta King, Acting Assistant Attorney General of the Civil Rights Division, United States Department of Justice (June 16, 2009), available at <http://www.usccr.gov/correspd/VoterIntimidation2008LetterDoJ.pdf> (last visited Oct. 14, 2009) Letter of Vice Chair Thernstrom and Commissioner Taylor to Loretta King, Acting Assistant Attorney General of the Civil Rights Division, United States Department of Justice (June 22, 2009), available at http://www.usccr.gov/correspd/Thernstrom_TaylorLetter2008.pdf (last visited Oct. 14, 2009); Letter of the Commission to United States Attorney General Eric Holder (Aug. 10, 2009), available at <http://www.usccr.gov/correspd/Follow-upVoterIntimidation.pdf>, (last visited Oct. 14, 2009); Letter of the Commission to United States Attorney General Eric Holder (Sept. 30, 2009), available at <http://www.usccr.gov/correspd/VoterIntimidationNBPP093009.pdf> (last visited Oct. 14, 2009). Commissioners Melendez and Yaki were not signatories to these letters.

¹⁴ The headquarters received 3,006 complaints while our regional offices received a combined 780 complaints.

Department of Justice (DOJ) and 6 percent to the Equal Employment Opportunity Commission (EEOC). More than 20 federal departments and agencies receive referrals from the Commission including the departments of Agriculture, Justice, Education, Housing, Labor, State, Transportation, and Defense. Non-personnel related expenses are not associated with our complaint referral activity in FY 2011.

In FY 2009, our Office of Civil Rights Evaluation began constructing a proposal for evolving this complaint referral service into a national complaint database. This should allow us to identify existing and emerging civil rights issues and areas needing concentrated enforcement efforts. The anticipated result is the publication of data that should inform the decision-making of other agencies with respect to identifying their civil rights enforcement priorities. Our FY 2011 funding request does not include additional funds for this project due to OCRE preliminarily determining that it could create the database using existing agency resources.

Our regional offices have made significant headway in meeting the agency's strategic goals in reinvigorating and effectively utilizing our State Advisory Committees. Our regional offices began FY 2009 with 26 of 51 state advisory committees possessing active charters. We ended the fiscal year with 33 actively chartered SACs. By the end of FY 2010, it is currently projected that we will increase the percentage of our advisory committees having active charters and all our committees will have active charters in FY 2011.

We continue our efforts to reduce the backlog of advisory committees with charters that expired on or before January 30, 2007. FY 2009 ended with a backlog of 17 advisory committees; we anticipate having nine committees ready for a Commission vote during early FY 2010 and eliminating the backlog in FY 2011.

By law, our SACs are unable to operate unless they have active charters. Reducing our backlog of expired SAC charters and renewing newly expiring charters within 60 days of expiration are key agency priorities supported by this FY 2011 funding request.¹⁵

The Commission continues to demonstrate success in improving its policies and procedures regarding its internal financial controls. For example, in FY 2009, we received an unqualified opinion for the fourth consecutive year from independent auditors. Prior to FY 2006, the Commission had not received a single clean audit. The Commission also worked to manage its internal control environment. Based on a review of agency-wide materials and an assessment by its managers, the agency's management and financial controls under the Federal Managers' Financial Integrity Act (FMFIA) were determined to be sound in FY 2009.

Based on our performance successes and challenges during FY 2009, we view FY 2010 and FY 2011 as opportunities to further our progress on our long-term strategic goals and objectives.

A. Strategic Plan Goals and Objectives and the FY 2011 Annual Performance Plan

We reflect upon our strategic plan goals and objectives during the agency's program planning and budget formulation cycles. Our *Strategic Plan for FY 2008-FY 2013* has four statements of agency-wide aims or goals, and several objectives. During any given year, we incorporate a combination of

¹⁵ "Renewing" as used here means obtaining staff director approval for submission of the appointment/re-charter package to the eight appointed commissioners for final approval.

these goals and objectives into the agency-level annual performance plan. We ask individual offices and divisions to create office/division level annual performance plans that execute the agency's performance plan.

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

Strategic Objectives

Objective 1: Reinvigorating the Commission's State advisory committees (SACs), consistent with our budgetary resources.

Objective 2: Energizing the Commission's SACs by enhancing their institutional role in program planning and increasing their productivity.

Objective 3: Commission a multi-state report using individual SACs to identify civil rights priorities facing their states/regions.

Objective 4: Convene a national conference in FY 2009 to elicit diverse, multi-disciplinary and bipartisan perspectives on civil rights in the 21st century.

Strategic 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.

Strategic Objectives

Objective 1: Study the role and effectiveness of the different federal enforcement agencies and make recommendations as to how those agencies might enhance their effectiveness.

Objective 2: Partner with other federal civil rights agencies to raise public awareness of civil rights laws, remedies, and enforcement agencies.

Objective 3: Partner with other civil rights agencies to collect and analyze data on various civil rights topics.

Objective 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.

Objective 5: Promote public awareness of current civil rights laws, remedies and enforcement agencies.

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

Strategic Objectives

Objective 1: Strengthen the quality and objectivity of the Commission's reports.

Objective 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.

Objective 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.

Objective 4: Conduct original social scientific research that brings new or unique information to the civil rights policy debate.

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

Strategic Objectives

Objective 1: Adhere to integrated budgeting, planning, and performance management.

Objective 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.

Objective 3: Continue implementation of adopted GAO and OPM recommendations.

Objective 4: Modernize the agency’s information technology infrastructure and improve IT management to enhance program efficiency.

The FY 2011 program activities comprising our proposed annual performance plan are identified in the below table. Executing the performance measures and achieving our performance targets require the full effort and support of multiple offices and divisions, including regional offices and state advisory committees. Therefore, the alignment of the performance measures with the responsible offices and divisions is also represented in the below table. We, as well, identify the specific strategic goals and objectives associated with each performance measure immediately following each performance measure. For example, the designation “1.1.1(a)” means strategic goal 1, objective 1, and performance measure 1(a).

TABLE 5: FY 2011 PROPOSED ANNUAL PERFORMANCE PLAN

| Performance Measures | Lead Component(s) | Performance Targets |
|---|-------------------|---|
| Increase the # of SACs re-chartered. ¹⁶ 1.1.1(a) | RO, RPCU, OSD | Increase # of chartered SACs to 100% |
| Eliminate the backlog of un-chartered SACs. ¹⁷ 1.1.1(b) | RO, RPCU, OSD | Reduce backlog by 100% |
| Achieve an average re-charter time of 60-days. ¹⁸ 1.1.1(c) | RO, RPCU, OSD | 60-day average re-charter time for SACs with charters that expired after January 30, 2007 |

¹⁶ FY 2007 baseline is 17 chartered SACs or 33%.

¹⁷ FY 2007 baseline is 34 unchartered SACs. The backlog is composed of SACs with charters that expired on or before January 30, 2007.

¹⁸ 60 days refers to approval by the staff director and not the vote by the commissioners.

TABLE 5: FY 2011 PROPOSED ANNUAL PERFORMANCE PLAN

| Performance Measures | Lead Component(s) | Performance Targets |
|---|-------------------|---|
| Conduct a joint national office and advisory committee project. 1.2.2(b) | OSD, RPCU, RO | Issue a report within 12 to 18 months after initiation of the project |
| Obtain input from SACs as a part of national program planning. 1.2.2(a) | OSD, RPCU, RO | Once annually (by October 31) |
| Solicit SAC ideas for SAC follow-up activities on national office projects. 1.2.2 (c) | OSD, RPCU, RO | Once annually (during October) |
| Issue a report on the national civil rights conference currently planned for FY 2010. 1.4.4(b) | OSD, OCRE, OGC | Complete and distribute a national civil rights conference report on emerging civil rights issues, and civil rights in the 21 st century |
| Identify civil rights issues and research topics appropriate for incorporation into the Commission's program planning cycles held each year beginning FY 2010 through FY 2012. 1.4.4(c) | OCRE, OGC, OSD | Identify 6 topics/issues resulting from the national conference |
| Identify civil rights issues and research topics that could lay the foundation for updating the Commission's Strategic Plan in 2011. 1.4.4(d) | OSD | Identify 4 topics/issues resulting from the national conference |
| Identify areas where the Commission's powers and mission should be expanded to respond to emerging challenges and publish these by FY 2011. 1.4.4(e) | OSD, OGC | Identify 4 areas resulting from the national conference Publish a "white paper" or other document on the topic/areas |
| Produce a report that addresses how civil rights agencies might enhance their effectiveness, including conducting exit or follow-up activities with agencies. 2.1.1 | OCRE, OGC | Once annually (statutory report) |
| Partner with at least one other federal agency to focus on raising public awareness of civil rights laws, remedies, and enforcement agencies. 2.2 | OSD/PAU, OGC | Execute one MOU |
| Collect complaint data to identify trends and issues in civil rights. 2.3 | OCRE | Launch a new database based on complaint data from other federal agencies and USCCR information |
| Issue guidance to the executive branch on civil rights enforcement efforts. 2.4.4(b) | OCRE, OGC, OSD | Issue 3 letters or other substantive civil rights guidance to an executive branch agency (FY 2009 is the baseline year) |
| Establish congressional contacts and provide substantive input on proposed civil rights legislative agenda items. 2.4.4(e) | CAU, OSD | At least 3 congressional contacts based on substantive civil rights input |
| Host public briefings or hearings annually on civil rights issues. 2.5.5(a) | OCRE, OGC | 4 hearings or briefings |
| Issue press releases related to civil rights issues and Commission activities. 2.5.5(b) | PAU, OSD | Issue 10 press releases (annually) |
| Hold press conference on the Commission's statutory | PAU, OSD | Hold 1 press conference (annually) |

TABLE 5: FY 2011 PROPOSED ANNUAL PERFORMANCE PLAN

| Performance Measures | Lead Component(s) | Performance Targets |
|--|--------------------------|---|
| report or other significant activity/publication. 2.5.5(c) | | |
| Post all public Commission meeting and briefing transcripts, and approved reports, on the USCCR Web site. 2.5.5(d) | OSD, OGC, OCRE, OM/ASCD | 21 transcripts and reports posted on the Web site |
| Provide assistance to members of the public who seek advice and information about protecting their civil rights by offering a complaint referral service. 2.5.5(e) | OCRE, RO | Maintain 30-day average complaint response time |
| Written work products issued by the Commission meet rigorous standards for accuracy, objectivity, transparency, and accountability. 3.1.1(a) | OCRE, OGC, OSD, RPCU, RO | Maintain a record of no adverse decisions under agency information quality guidelines through FY 2013 Maintain a record of no reversals of agency decisions on appeal under the information quality guidelines |
| Implement adopted GAO findings and recommendations consistent with any Commissioner-approved timeline. 3.1.1(b) | OSD | Full compliance with previously adopted recommendations |
| Issue a report(s) and conduct follow-up research, where necessary, that involves the collection of data on disparities. 3.2.2 | OCRE, OGC | Issue 2 reports that include disparities data (each report may satisfy one or more plan goal and measure) |
| Issue a report(s) and conduct follow-up research, where necessary, assessing claims of systemic or pervasive discrimination. 3.3.3 | OCRE, OGC | Issue 2 reports assessing claims of systemic or pervasive discrimination (each report may satisfy one or more plan goal and measure) |
| Incorporate original social scientific research into Commission reports. 3.4.4 | OCRE | Issue 1 report containing original research data |
| Full compliance with OMB A-11 by FY 2010 budget cycle. 4.1.1(a) | BFD, OM, OSD | Timely submit budget materials; Create and post agency annual performance plan; Revise budget and priorities based on actual appropriation; Post CJ materials on the agency Web site |
| Receive a PART score of at least “moderately effective”. 4.1.1(b) | OSD, OM/ BFD | Improve PART reassessment score to at least “moderately effective” (subject to a decision in FY 2010 to seek reassessment by OMB) |
| Receive a “clean” or unqualified financial statement audit. 4.2.2(a) | OM/BFD, OM/ASCD | Receive clean audit opinion on financial statements |
| Full compliance with laws and regulations respecting the stewardship of tax dollars. 4.2.2(b) | OM/BFD, ASCD/ IT | Resolve previously identified FISMA weaknesses; Timely complete financial audit |
| Implement adopted GAO and OPM audit findings and recommendations that address financial and operational procedures. 4.3.3 | OSD, OM/HR | Submit a performance budget that integrates program activities and costs |

Presently, we believe that the FY 2011 budget estimate supports the above agency performance measures and targets. The following two subsections focus on the unique roles national and regional operations play in executing our agency’s annual plan.

B. FY 2011 National Office Programming

The agency's FY 2011 funding supports our proposed national office annual performance plan. This plan includes, among other program activities and outcomes:

- Conducting twelve public Commission business and fact-finding meetings (e.g., hearings and briefings) of the Commission,
- Publishing all public Commission meeting transcripts on the agency's Web site for public access,
- Publishing three fact-finding reports,
- Publishing a report on the Commission's national civil rights conference that is currently scheduled for FY 2010,
- Completing and publishing the annual report on agency performance and accountability,
- Timely completing an annual financial audit and receiving a "clean" audit opinion,
- Renewing the agency's external accounting services contract to timely produce financial statements and support our objective of a "clean" financial audit,
- Renewing the agency's press/news wire services to issue no less than 10 press releases annually,
- Continuing staff evaluations and referrals of citizen civil rights complaints to provide a service to the public,
- Creating and launching of a new national complaint database that analyzes complaint data from other federal agencies,
- Entering the final stages of launching the agency's new Web site that will serve as a clearinghouse of federal civil rights information,¹⁹ and
- Upgrading, supporting, and maintaining our IT system.

Table A-2 of the Appendix, *Alignment of National Office Activities with Strategic Plan Goals*, clearly presents the alignment of national office activities with the agency's strategic goals. The table below, however, summarizes our national office operating plans for FY 2011 that support these activities and achieve these planned outcomes. Annual operating plans represent the Commission's proposed annual spending by budget category.²⁰ As with any plan, actual spending may vary.

¹⁹ Work began on this project in FY 2009 and should continue throughout FY 2010 and FY 2011. We anticipate completing this effort in FY 2012.

²⁰ As with any plan, actual spending may vary so budgeted/planned spending versus actual spending is discussed in various sections of this document.

| TABLE 6: NATIONAL OFFICE OPERATING PLANS BY FY | | | | |
|---|-----------------------------|-----------------------------|---------------------------|---------------------------|
| | FY 2008 (actual) | FY 2009 (actual) | FY 2010 (est.) | FY 2011 (est.) |
| Salaries | 3,117,511 | 3,266,045 | 3,797,014 | 4,020,447 |
| Benefits | 676,324 | 752,606 | 990,170 | 962,896 |
| Travel | 148,637 | 120,100 | 160,869 | 135,439 |
| Transport of Things | 17,752 | 0 | 2,000 | 0 |
| Rent, Utilities, Communications | 1,098,431 | 1,243,385 | 1,476,498 | 1,483,403 |
| Printing and Reproduction | 98,226 | 76,976 | 70,500 | 68,190 |
| Other Contractual Services | 1,245,557 | 1,351,467 | 1,245,488 | 1,229,244 |
| Supplies | 71,427 | 142,377 | 80,386 | 74,632 |
| Equipment | 10,344 | 39,700 | 30,750 | 37,500 |
| TOTAL | \$6,484,209 | \$6,992,656 | \$7,853,675 | \$8,011,751 |

The national office operating budget is projected to increase by 2 percent compared to FY 2010. Our FY 2011 operating budget should decrease in five of seven non-personnel budget categories for a total decrease estimated at more than \$50,000.²¹ As shown in the above table, the national office plans to eliminate all spending on transportation of goods/things and take the following other reductions:

- 16 percent decrease in national office travel budget,
- 3 percent decrease in the national office printing and reproduction budget,
- 1 percent decrease in the national office contractual services budget, and
- 7 percent decrease in the national office supply budget.

We project national office personnel-related costs to account for 62 percent of our FY 2011 operating budget while operations and programming account for 38 percent. The national office operating budget accounts for 85 percent of the agency's total request for appropriation.

C. FY 2011 Regional Office Programming

Our FY 2011 request funds several key regional functions, including:

- Eliminating the remaining backlog of unchartered state advisory committees,
- Ensuring that all 51 state advisory committees have active charters,

²¹ Our budget reflects a less than 1 percent increase in rent, utilities and communications and an 18 percent increase in the equipment budget. These increases total an estimated \$13,655 in FY 2011. Personnel costs in FY 2011 are estimated at \$4,983,343 while non-personnel related costs are estimated at \$3,028,408 for national office programming and operations.

- Recruiting advisory committee members,
- Completing a projected five advisory committee reports and statements, and
- Conducting more advisory committee meetings and fact-finding events than in previous years.

| Table 7: REGIONAL OPERATING PLANS FY 2008 to FY 2011 | | | | |
|---|--------------------|--------------------|--------------------|--------------------|
| | FY 2008 | FY 2009 | FY 2010 | FY 2011 |
| Salaries | 1,064,090 | 1,042,906 | 1,132,045 | 1,017,779 |
| Benefits | 264,107 | 260,727 | 283,011 | 254,445 |
| Travel | 102,700 | 48,595 | 41,363 | 58,789 |
| Transport of Things | 5,000 | 0 | 750 | 0 |
| Rent, Utilities and Communications²² | 407,161 | 338,124 | 36,003 | 16,106 |
| Printing and Reproduction | 42,368 | 4,800 | 0 | 6,496 |
| Other Contractual Services | 43,447 | 101,788 | 43,678 | 26,160 |
| Supplies | 11,919 | 10,405 | 9,475 | 7,160 |
| Equipment | 0 | 0 | 0 | 0 |
| TOTAL | \$1,940,791 | \$1,807,344 | \$1,546,325 | \$1,386,935 |

The proposed regional operating budget of \$1,386, 935 maintains regional office staffing at the FY 2010 level. The position of chief of the regional programs coordination unit (RPCU) is being filled on an acting basis by the Southern Regional Office director. The former RPCU chief was reassigned in FY 2009 to a senior attorney advisor position in OSD and continues to assist the staff director on regional matters. The acting RPCU chief will continue to supervise the Western Regional Office as it clears its backlog and generates activity in the regional SACs.

Though we are proposing additional funds in FY 2011 for regional office and SAC travel and printing to support SAC chartering and meetings, we expect to realize some savings in contractual services, office supplies, and rent, utilities and communication. The amount of the projected these savings is described below.

- 40 percent decrease in contractual services such as court reporters, translators, sign language interpreters,
- 24 percent decrease in office supplies, and
- 55 percent decrease in rent, utilities and communication

²² The decrease in the rent, communications, and utilities regional budget between FY 2009 and FY 2010 reflects our shifting of regional office space rent costs from the regional operating budget to the national office operating budget. This was done to be consistent with how agency rent is billed by GSA. Moreover, the drop from \$36,000 in FY 2010 to \$16,106 in FY 2011 reflects the agency's switch to Verizon as our local and long distance provider. The regional offices no longer have long distance fees because they are captured in the total amount for the national office. Those long distance fees in the regions are typically in the area of \$18,000.

The below table depicts the annual performance plan for our regional operations. As with the national office performance plan, these regional performance measures and targets are all in support of the agency’s strategic goals of:

- supporting a national civil rights conversation,
- expanding the capacity of federal agencies to raise public awareness of civil rights and their enforcement responsibilities, and
- serving as an authoritative national clearinghouse and repository of civil rights data and information.

More specifically, the objectives of these goals are to:

- reinvigorate the state advisory committees, consistent with our budgetary resources,
- energize the committees by enhancing their institutional role in program planning and increasing their productivity, and
- strengthen the quality and objectivity of written work products.

| Regional Office Activity/Performance Measure | Performance Targets |
|---|---|
| Increase the # of SACs re-chartered. | Increase # of chartered SACs to 100% (subject to reassessment based on staffing and funding issues) |
| Eliminate the backlog of un-chartered SACs. | Reduce backlog by 100% |
| Achieve an average re-charter time of 60-days. | 60-day average re-charter time for SACs with charters that expired after January 30, 2007 |
| Participate in a joint national office and advisory committee project. Obtain input from SACs as a part of national program planning. | Report to be issued within 12 to 18 months after initiation of the project Once annually (by October 31) |
| Solicit SAC ideas for SAC follow-up activities on national office projects. | Once annually (during October) |
| Provide assistance to members of the public who seek advice and information about protecting their civil rights by offering a complaint referral service. | Maintain 30-day average complaint response time |
| Written work products issued by the Commission meet rigorous standards for accuracy, objectivity, transparency, and accountability. | Maintain a record of no adverse decisions under agency information quality guidelines through FY 2013 |
| | Maintain a record of no reversals of agency decisions on appeal under the information quality guidelines |

Regional personnel-related costs are projected at 92 percent of the FY 2011 regional operating budget; operations and programming account for the remainder of the budget. The regional operating budget accounts for 15 percent of the agency’s total request for appropriation.

CONSIDERATION OF THE ADMINISTRATION'S BUDGET PRIORITIES

This submission highlights ways in which our budget supports the following top priorities and goals of the administration:

- using technology,
- encouraging economic growth,
- investing in the future, and
- governing the Nation responsibly.

Though our average annual IT spending is well under a million dollars, and we have only one IT specialist on staff, the Commission continues to see the value of using today's technology to improve performance and efficiency, reach larger and more diverse audiences, and secure information and data.

We have identified several areas where performance improvement is necessary if we are to meet or exceed all our performance targets. We must further increase the number of active advisory committees, formally document our solicitations of advisory committees for ideas for follow-up activities to national office projects, complete our projects within a 12 to 17 calendar month timeframe, and complete briefing reports (including publication and distribution) within 8 ½ calendar months from the date of the briefing.²³ Currently, we have projects and reports that fall outside these established parameters, and we cannot accurately determine other project and report lifecycles due to inadequate tracking and reporting. The installation of project management software began during FY 2009 and, once fully deployed, should support improvement in both these areas.²⁴ The desktop software, along with a Web-based component, includes support for managing staff time, assigning duties and responsibilities, setting and meeting project milestones, conducting project risk assessments, proposing risk mitigation strategies, and submitting required status reports. We propose acquiring similar software in subsequent years to track and monitor regional office performance related to the advisory committee management, to the extent it is consistent with our budgetary resources.

We propose using technology to support the proposed FY 2010 national civil rights conference and expand our stakeholder lists. To this end, we anticipate using Web-based registration to make registration easier for the public and to develop a database of contacts for future Commission outreach and follow-up.

As mentioned previously, the Commission plans to create a new Web site to serve as a clearinghouse for civil rights information. As envisioned, this site is loosely modeled on the "USA.gov" or "FirstGov" site. Our expectation is that the proposed new site will be a gateway that makes it easier for the public to locate and use civil rights-related information. This multi-faceted effort should include the posting of copies of actual complaints received by other agencies, and an analysis of civil rights complaint data from with various agencies. This information, when made available, should

²³ The Commission expanded the original 7 1/2 month timeframe by 30 days to accommodate a new 30-day rebuttal or response period adopted by the commissioners in FY 2009. U.S. Commission on Civil Rights, meeting, Washington, DC, April 17, 2009, transcript, pp. 164-175. During FY 2010, we will review these timeframes as a part of our MS Project deployment.

²⁴ During FY 2010, we should complete full deployment of MS Project 2007, including staff training.

aid agencies with enforcement authority and others in identifying trends and areas needing concentrated attention. The launch of the clearinghouse site is currently planned for FY 2012; however, we may make aspects of its content available prior to its formal launch.

Agency compliance with applicable federal IT requirements, especially those surrounding security and data management, continues to be a part of our IT focus. We are investing in technology to support our continuity of operations (COOP) planning, increase cyber security by encrypting email and using digital signatures, making improvements to our network infrastructure to comply with cyber security and Internet Protocol version 6 (IPv6) standards, and implementing biometric identification for information technology. Biometrics is a method of identification that manages access and control of information. Beginning in FY 2010, we plan to provide our six regional offices with access to the headquarters shared computer drive to facilitate information sharing and efficiency.