

**UNITED STATES
COMMISSION ON CIVIL RIGHTS**



**PERFORMANCE AND ACCOUNTABILITY REPORT (PAR)
FOR FISCAL YEAR 2020**

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MESSAGE FROM THE CHAIR



I attach the annual Performance and Accountability Report (PAR) for the U.S. Commission on Civil Rights for Fiscal Year 2020. This report reflects the agency’s program and financial performance.

In FY 2020, the Commission had planned to hold three briefings to assess the national state of critical civil rights issues. The Commission held the first of those briefings in November 2019: Subminimum Wages: Impacts on the Civil Rights of People with Disabilities. In March 2020, the rise of the COVID-19 pandemic led to an unprecedented disruption to the Commission’s regular operations, and we postponed the two briefings previously planned for March and May 2020. The Commission moved swiftly to change course to assess the civil rights implications of the COVID-19 pandemic, issuing several statements to report on our civil rights concerns and urging federal agencies to take appropriate action to address these impacts. The Commission also voted to undertake two 2018 report updates to lift up testimony and evidence of the COVID-19 impacts on voting rights and on the civil rights of Native Americans. The Commission held a virtual briefing in July 2020: COVID-19 in Indian Country: The Impact of Federal Broken Promises on Native Americans.

The Commission published the following eight reports: Trauma at the Border: The Human Cost of Inhumane Immigration Policies Practices; In the Name of Hate: Examining the Federal Government’s Role in Responding to Hate Crimes; Are Rights A Reality?

Evaluating Federal Civil Rights Enforcement; Free to Learn: Speech and Sexual Harassment on Campus; Women in Prison: Seeking Justice Behind Bars; Federal #MeToo: Examining Sexual Harassment in Government Workplaces; Examining the Race Effects of Stand Your Ground Laws; and Subminimum Wages: Impacts on the Civil Rights of People with Disabilities.

We at the Commission were pleased to fulfill our statutory charge not just through publication of our reports, but also through direct engagement with Members of Congress.

We continue to enhance our engagement with and rely on the work of our State Advisory Committees. Commission State Advisory Committee members, working with regional office staff, held 41 fact-finding events in FY 2020. In addition, State Advisory Committees published 35 reports, statements, and memoranda in FY 2020. This activity continued uninterrupted, even amid the COVID-19 pandemic. The State Advisory Committees, through their fact-finding events and reports, covered a broad range of civil rights issues, including voting rights, criminal justice, human trafficking, disability rights, police reform, police reform, and COVID-19. Seven of the eight reports the Commission published this year relied in part on testimony to and the findings and recommendations from our Advisory Committees.

In addition to the strong programmatic output during FY 2020, the Commission received an unmodified opinion on the Commission Financial Statements. I look forward to continuing effective financial and other management controls in operation at the Commission.

The Commission composition changed during this period as well. Two members – Vice Chair Patricia Timmons-Goodson and Commissioner Karen Narasaki – exited the Commission when their terms expired in November and December 2019. President Trump appointed Commissioners Stephen Gilchrist and J. Christian Adams to fill these Commission positions and the Commission is again fully composed of eight members. I look forward to building on the Commission’s FY 2020 performance to continue to advance civil rights through effective and comprehensive investigation, research, and analysis on issues of fundamental concern to the federal government and the public.



Catherine E. Lhamon
Chair
United States Commission on Civil Rights
November 16, 2020

MANAGEMENT DISCUSSION AND ANALYSIS

The Management Discussion and Analysis (MD&A) section explains our mission, describes our organizational structure, presents performance highlights, analyzes our internal control environment, identifies financial highlights, and discusses the limitation of financial statements.

Mission

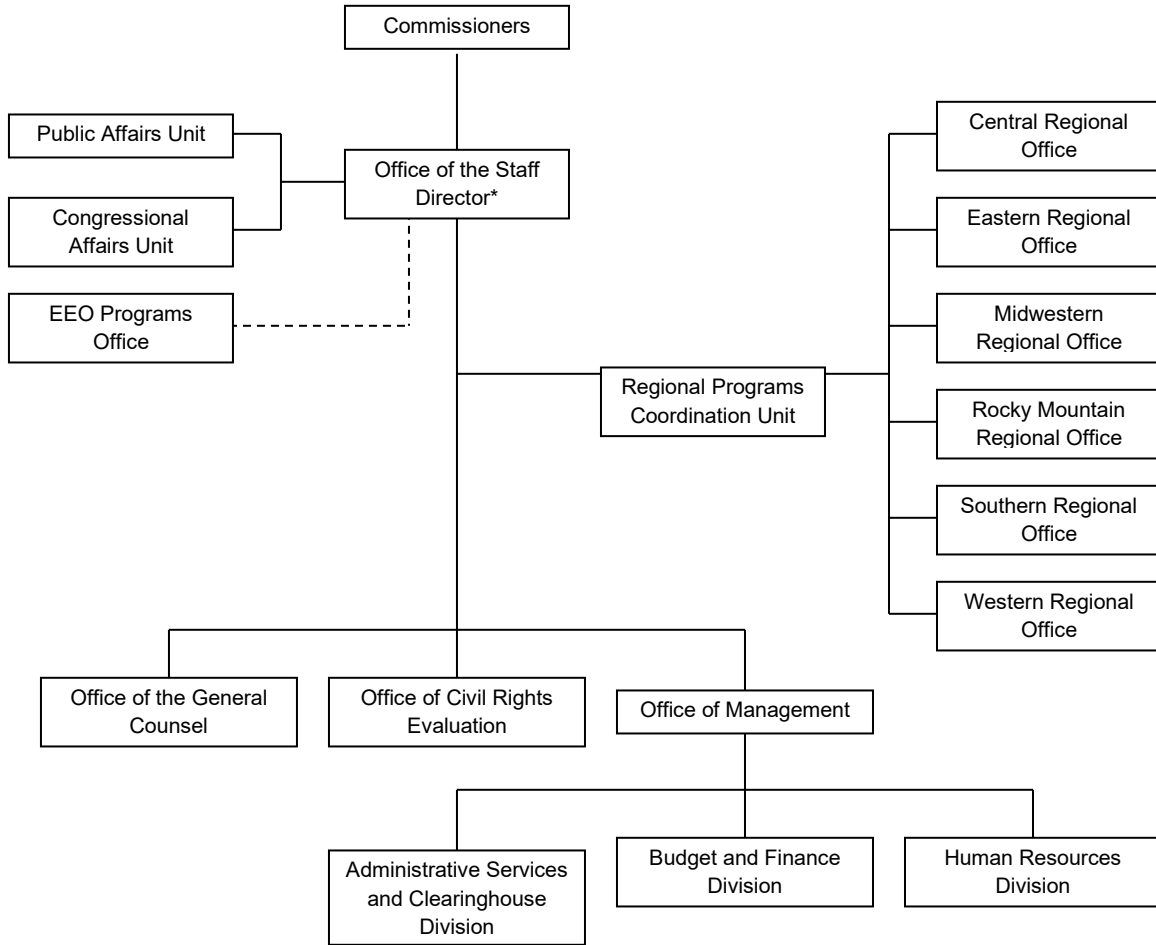
The mission of the United States Commission on Civil Rights is to inform the development of national civil rights policy and enhance enforcement of Federal civil rights laws. The Commission pursues this mission by investigating alleged deprivations of voting rights or allegations of discrimination based on race, color, religion, sex, age, disability, national origin, or in the administration of justice. The Commission also serves as a monitor of effective enforcement of civil rights laws by the Federal government. The Commission is committed to quality research that leads to findings and policy recommendations to inform the President, Congress, and the public on important civil rights issues.

Organization

The Commission is an independent federal agency composed of eight appointed Commissioners whose responsibilities include studying and collecting information relating to discrimination or denials of equal protection of the laws because of color, race, religion, sex, age, disability, or national origin, or in the administration of justice; appraising the laws and policies of the federal government regarding these civil rights issues; serving as a national clearinghouse of information regarding civil rights; and preparing public service announcements and advertising campaigns to discourage discrimination or denials of equal protection. The Staff Director, appointed by the President with the concurrence of a majority of the Commissioners, is the administrative head of the agency. The organizational chart below shows our current structure.

Organizational Structure

U.S. Commission on Civil Rights



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

Headquarters Organization

Descriptions of the key functions for each office and unit are below.

Commissioners

By statute, the Commission is composed of eight Commissioners, not more than four of whom may be of the same political party. The President appoints four Commissioners, the President pro tempore of the Senate appoints two Commissioners, and the Speaker of the House of Representatives appoints two Commissioners. The Commissioners' responsibilities include:

- Investigating allegations of deprivations because of color, race, religion, sex, age, disability, or national origin;
- Investigating allegations of deprivations as a result of any pattern or practice of fraud or of the right of citizens of the United States to vote and have votes counted;
- Studying and collecting information relating to discrimination or denials of equal protection of the laws under the Constitution of the United States because of color, race, religion, sex, age, disability, national origin, or in the administration of justice;
- Making appraisals of federal laws and policies with respect to discrimination or denials of equal protection of the laws under the Constitution of the United States because of color, race, religion, sex, age, disability, national origin, or in the administration of justice;
- Serving as a national clearinghouse for information relating to discrimination or denials of equal protection of the laws under the Constitution of the United States because of color, race, religion, sex, age, disability, national origin, or in the administration of justice;
- Preparing 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, national origin, or in the administration of justice;
- Submitting, at minimum, one report annually that monitors federal civil rights enforcement efforts in the United States; and
- Constituting at least one Advisory Committee for each state and the District of Columbia composed of citizens of that state or district.

The Chair, along with the Staff Director, serves as the Commission's designated spokesperson. In that capacity, the Chair communicates the official position of the Commission. The Commissioners are aided in their work by Special Assistants.

Office of the Staff Director

The Office of the Staff Director (OSD), through the Staff Director, oversees the administrative operation and management of our agency including:

- disseminating policies established by the Commissioners to staff;
- recommending program activities and projects for approval by the Commissioners,
- managing agency-wide performance and evaluating program results;
- overseeing and coordinating the completion of the agency's substantive civil rights work;
- ensuring that the budget is executed in a manner consistent with established agency priorities; and
- serving as the liaison between the Commission and the Executive Office of the President, Congress, and other federal agencies.

Office of the General Counsel

The Office of the General Counsel (OGC) provides the legal expertise and advice required to support our fact-finding and ensure the legal integrity of our written products. This office supports the lawful operation of the agency and advises agency leadership and managers on a range of legal matters. This advice and support may include analyzing proposed legislation, interpreting various laws and regulations, advising on ethics matters and the scope of the agency's jurisdiction, and representing the agency in contractual disputes. The General Counsel and his or her staff also represent the agency in personnel matters, including litigation arising from equal employment discrimination complaints and other alleged employment violations. In addition, this office develops concepts for briefings and hearings on civil rights issues and generates related reports for Commissioner review and consideration.

Office of Civil Rights Evaluation

The Office of Civil Rights Evaluation (OCRE) provides the subject matter and analytical expertise required to prepare evaluations of civil rights issues. This office monitors the activities of numerous federal agencies as well as national and regional civil rights trends. Based on information gathered through monitoring and other sources, this office develops concepts for, and conducts, civil rights studies, and other projects, ultimately preparing documents that articulate the Commission's view and concerns regarding federal civil rights. In addition to these functions, this office receives, reviews, and refers civil rights complaints to other agencies for appropriate enforcement action.

Office of Management

The Office of Management (OM) supports all the agency's strategic goals and objectives by ensuring that human and financial capital are available, and administrative support is in place to achieve the agency's mission. The OM provides administrative support to all other Commission offices. Several divisions fall within this office: The Budget and Finance Division, the Human Resources Division, and the Administrative Services and Clearinghouse Division. The Administrative Services and Clearinghouse Division is responsible for information technology, procurement and acquisition, copying, printing, mail and distribution services, and the Rankin National Civil Rights Library.

Congressional Affairs Unit

All staff positions in the Congressional Affairs Unit (CAU) are vacant. The public affairs unit performs the essential responsibilities of the congressional and public affairs units. The CAU serves as our liaison with Congress, responding to requests for specific information, identifying opportunities for our Commissioners and others to provide testimony and information to congressional members and their staff on civil rights matters, and ensuring the distribution of our studies and reports to all members. In addition, when staffed, CAU monitors the legislative activities of Congress and provides support in the conceptualization and production of studies and reports with information gathered via its monitoring activities.

Public Affairs Unit

The Public Affairs Unit (PAU) serves as the public voice of the Commission and ensures that the public knows about our activities and publications. It is also responsible for coordinating and carrying out such activities as briefing reporters, holding press conferences, issuing press releases, arranging press interviews and speaking engagements for Commissioners and approved staff, and monitoring press activity regarding the Commission and civil rights issues. PAU deals directly with the public in responding to inquiries and by attending meetings of civil rights organizations.

Equal Employment Opportunity Programs

The Equal Employment Opportunity (EEO) Program Unit is responsible for the overall management of our equal employment opportunity compliance system. This system provides a means of review and appeal for applicants for employment and employees of the Commission, who believe that they were victims of discrimination based on race, color, age, religion, national origin, sex (including sexual harassment), physical or mental disability, or reprisal in connection with EEO-related activities.

Regional Programs

Regional Programs Coordination Unit

The Chief of the Regional Programs Coordination Unit (RPCU) supervises the activities of the Commission's regional offices. The Chief of RPCU is responsible for coordinating, monitoring, and reporting on regional activities, and communicating national office policies and priorities to regional offices. The Chief of RPCU also serves as the agency's Committee Management Officer (CMO) regarding the agency's public reporting under the Federal Advisory Committee Act (FACA) on its 51 State Advisory Committees.

Regional Activities: Organization and State Alignment

Regional staff provide critical support to the 51 State Advisory Committees required by our statute.

Presented below is our regional alignment.

- Central Region (CRO): Alabama, Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, and Oklahoma.
- Eastern Region (ERO): Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.
- Western Region (WRO): Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Texas, and Washington.
- Southern Region (SRO): Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee.
- Rocky Mountain Region (RMRO): Colorado, Montana, New Mexico, North Dakota, South Dakota, Utah, and Wyoming.
- Midwestern Region (MWRO): Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

Performance Highlights

The Commission, staff, and State Advisory Committee members have worked hard this year to achieve the goals, objectives, and performance measures set forth in our FY 2018 – FY 2022 Strategic Plan. The Commission achieved most, though not all, of its performance targets established for Fiscal Year 2020, with shortfalls due to the unprecedented impact of the COVID-19 pandemic.

The Commission held two briefings to assess the national state of important civil rights laws:

- Subminimum Wages: Impacts on the Civil Rights of People with Disabilities and
- COVID-19 in Indian Country: The Impact of Federal Broken Promises on Native Americans.

The Commission published the following eight reports:

- *Trauma at the Border: The Human Cost of Inhumane Immigration Policies Practices;*
- *In the Name of Hate: Examining the Federal Government's Role in Responding to Hate Crimes;*
- *Are Rights A Reality? Evaluating Federal Civil Rights Enforcement;*
- *Free to Learn: Speech and Sexual Harassment on Campus;*
- *Women in Prison: Seeking Justice Behind Bars;*
- *Federal #MeToo: Examining Sexual Harassment in Government Workplaces;*
- *Examining the Race Effects of Stand Your Ground Laws; and*
- *Subminimum Wages: Impacts on the Civil Rights of People with Disabilities.*

The Commission's State Advisory Committees:

- Held 41 fact-finding events;
- Conducted 244 planning meetings; and
- Published 35 reports, memoranda, and statements.

A detailed discussion of each strategic goal, our FY 2020 target performance, and our actual performance are in the section titled "Performance Report."

Federal Managers' Financial Integrity Act (FMFIA)

OMB Circular A-123, Management's Responsibility for Internal Control and the Federal Managers' Financial Integrity Act (FMFIA) require Federal managers to improve accountability and effectiveness of Federal programs and operations by establishing, assessing, correcting, and reporting on internal controls. Commission management is responsible for establishing and maintaining an effective internal control and financial management system. The Commission's Administrative Instruction 1-13 requires office and division heads to complete an annual self-assessment of internal controls as of June 30 each year.

In FY 2020, all office and division heads completed a self-assessment. Based on this evaluation, the Commission is able to provide a statement of assurance that the internal controls are compliant.

Financial Highlights

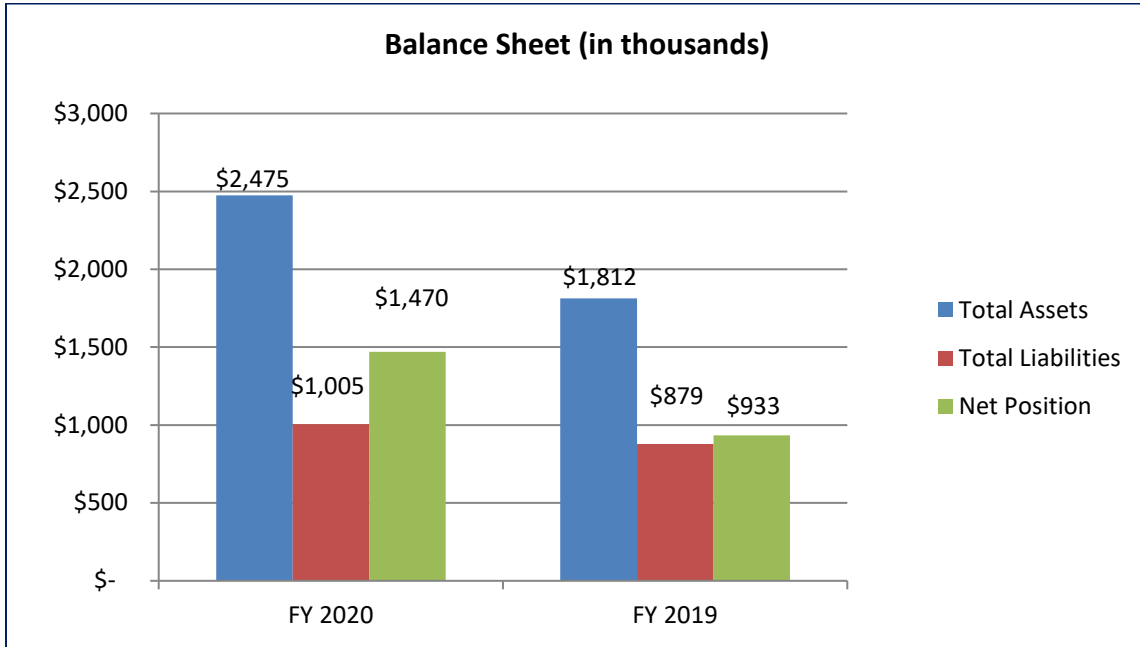
The Commission continues to use the U.S. Department of Agriculture's Office of the Chief Financial Officer Pegasys Financial Services (USDA OCFO) as its accounting shared services provider. USDA OCFO provides a broad range of financial and accounting services including:

- maintaining the agency's standard general ledger;
- using a system (Pegasys) that is compliant with federal government standards;
- generating required financial reports for the Commission; and
- requiring appropriate documentation of financial transactions prior to payment.

The Commission's FY 2020 financial statements were prepared in accordance with Office of Management and Budget (OMB) Circular A-136. The Commission prepares four financial statements: Balance Sheet, Statement of Net Costs, Statement of Changes in Net Position, and Statement of Budgetary Resources.

Balance Sheet

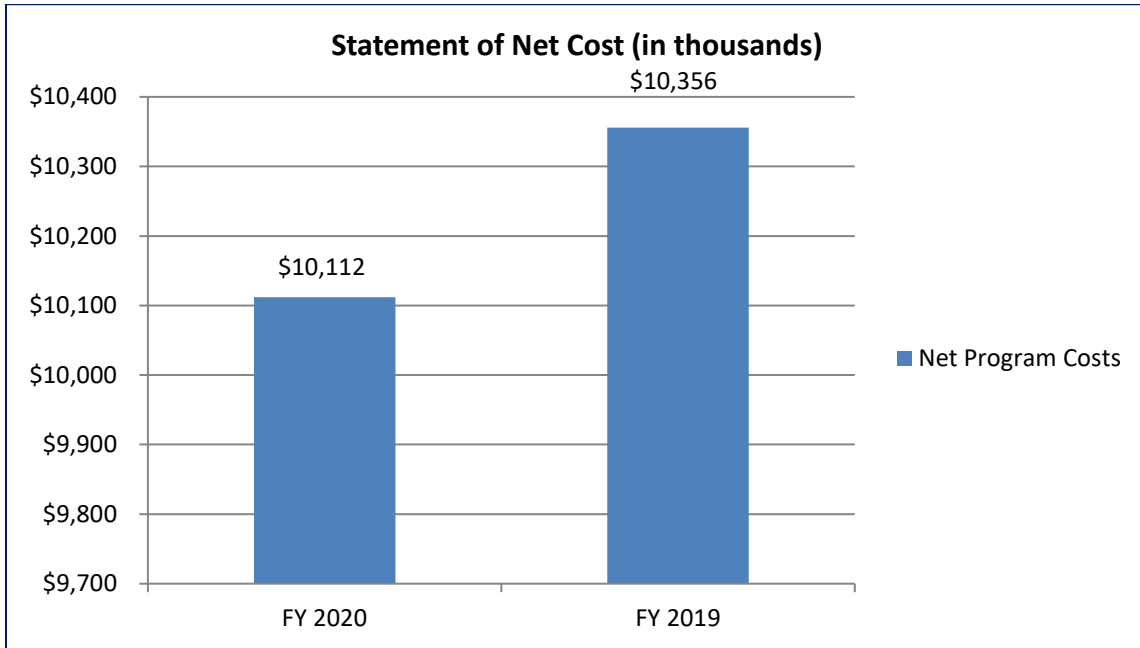
The balance sheet presents amounts of future economic benefits owned or managed by the reporting entity (assets), amounts owed by the entity (liabilities), and amounts which comprise the difference (net position).



The Commission's total assets increased for \$1,756,751 in FY 2019 to \$2,431,346 in FY 2020. The Commission's assets consist mainly of Fund Balance with Treasury (FBWT) with minimal amounts in General Property, Plant, and Equipment. Total liabilities increased from \$879,203 in FY 2019 to \$1,004,526 in FY 2020. Net Position decreased from \$932,644 in FY 2019 to \$1,470,369 in FY 2020.

Statement of Net Costs

The Statement of Net Cost presents the annual cost of operating the Commission's programs.

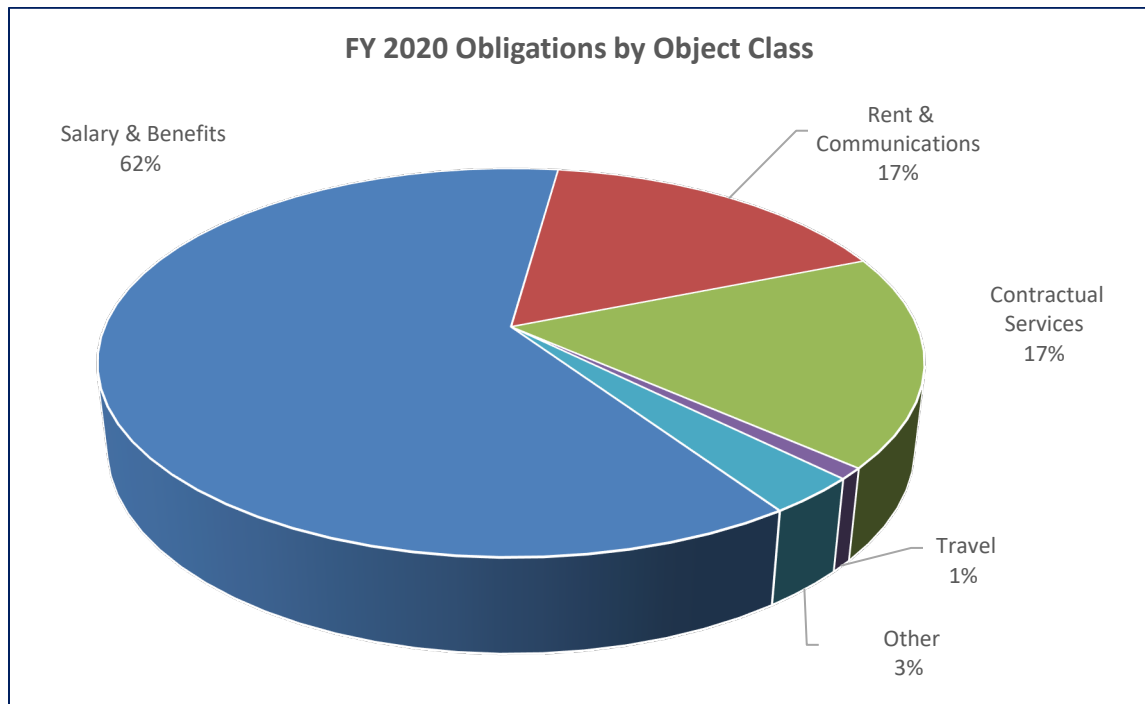


The Commission's net cost of operation decreased from \$10,356,173 in FY 2019 to \$10,111,776 in FY 2020.

Statement of Budgetary Resources

The Statement of Budgetary Resources provides information on the sources of budgetary resources and their status at the end of the period. The Commission received \$10,500,000 in new budgetary authority in FY 2020. The Total Budgetary Resources and Status of Budget Resources increased from \$10,802,551 in FY 2019 to \$11,260,913 in FY 2020.

Resources by Major Object Class



During FY 2020, the Commission obligated \$10,391,391 of its FY 2020 appropriation of \$10,500,000. Salary and Benefits, Other Contractual Services, and Rent and Communications consume 96 percent of the Commission's obligations. The remaining 4 percent consists of travel, printing, supplies, equipment, and other miscellaneous items.

Limitations on Financial Statements

The principal financial statements are prepared to report the financial position, financial condition, and results of operations, pursuant to the requirements of 31 U.S.C. 3515 (b). The statements are prepared from the records of Federal entities in accordance with Federal generally accepted accounting principles (GAAP) and the formats prescribed by OMB. Reports used to monitor and control budgetary resources are prepared from the same records. Users of the statements are advised that the statements are for a component of the U.S. Government.

Management Statement of Assurance

The U.S. Commission on Civil Rights is responsible for establishing and maintaining effective internal control and financial management systems that meet the objectives of the Federal Managers' Financial Integrity Act (FMFIA). The Commission can provide reasonable assurance that its internal controls over financial reporting as of September 30, 2020 were operating effectively in the design or operation of the internal control over financial reporting.

Statements of Assurance: Federal Managers' Financial Integrity Act, OMB Circular A-123, and the Federal Financial Managers Improvement Act of 1996

The management of the U.S. Commission on Civil Rights is responsible for establishing and maintaining effective internal control and financial management systems that meet the objectives of the Federal Managers' Financial Integrity Act (FMFIA). The Commission conducted its assessment of the effectiveness of internal control and efficiency of operations and compliance with applicable laws and regulations in accordance with OMB Circular A-123, Management's Responsibility for Internal Control. Based on the results of this evaluation, the Commission can provide reasonable assurance that our internal control over the effectiveness and efficiency of operations, and compliance with applicable laws and regulations as of September 30, 2020, were operating effectively and no material weaknesses were found in the design or operation of the internal controls.

In addition, the Commission conducted its assessment of the effectiveness of internal control over financial reporting. This includes safeguarding of assets and compliance with applicable laws and regulations. Based on the results of this evaluation, the Commission can provide reasonable assurance that its internal controls over financial reporting as of June 30, 2020.

The performance and financial data contained in this report, to the best of my knowledge, are complete and reliable.



Mauro Morales
Staff Director
United States Commission on Civil Rights
November 12, 2020

PERFORMANCE REPORT

Our agency performs an important role in identifying emergent civil rights trends and evaluating federal agency civil rights enforcement programs. Our agency's strategic plan articulates the Commission's vision for executing our vital mission from FY 2018 through FY 2022. The plan contains three long-term strategic goals. Associated with each of these goals are one or more objectives or specific statements of what we plan to accomplish.

Our FY 2020 annual performance plan includes performance goals and targets that support the accomplishment of our strategic objectives. Below, we describe our FY 2020 annual performance targets. We evaluate and report our performance using these categories: Met and Not Met.

Reliability of Performance Data

To ensure that the Commission's FY 2020 Performance Report is complete and reliable, the Commission identifies, verifies, and validates the sources of data used to assess performance measures. The Commission's staff verifies and validates that data to ensure that the information is accurate and complete. Agency senior leadership reviews the report for completeness and accuracy.

Strategic Goal A: The Commission will function as a monitor of effective federal enforcement of civil rights laws and inform national civil rights laws and policy. The Commission is aided in this endeavor by the work of its Advisory Committees.

This fiscal year we met 91 percent of Strategic Goal A performance targets. To achieve this goal, the Commission established objectives, developed strategies, and set performance targets.

Objective 1: The Commission will assess the national state of important civil rights issues.

The Commission plans to achieve this objective by using the following strategies: 1) the Commission will determine civil rights issues of national significance on which to conduct informative briefings and /or hearings; and 2) the Commission will keep the Advisory Committees engaged with the Commission's investigative projects.

Strategy A.1.1 - The Commission will determine civil rights issues of national significance on which to conduct informative briefings and/or hearings.	FY 2020 Target	FY 2020 Results
A.1.1.1 - The Commission will develop proposals and investigative plans to conduct investigations into civil rights issues of national significance.	Two new projects	Met
A.1.1.2 - The Commission will hold at least two briefings and/or hearings each year.	Two briefings and/or hearings	Met

Performance Measure A.1.1.1

During FY 2020, the Commission developed proposals and investigative plans for investigations into civil rights issues of national significance. The Commission approved the following new projects:

Navigating Voting During the COVID-19 Pandemic: Considerations in Access for Minority Voters

In 2018, the Commission issued a comprehensive report examining the landscape of voting rights and access to voting in the aftermath of the Supreme Court’s decision in *Shelby County v. Holder*. Building on that examination, the Commission voted to revisit those barriers and how jurisdictions’ responses to the COVID-19 pandemic are impacting them. The project considers how the COVID-19 pandemic has impacted voters of color, voters with disabilities, and limited English proficient voters including with respect to: access to early voting; jurisdictions’ plans for access to safe, accessible in-person polling locations without unreasonable wait times, and with resources for those who require assistance voting; and access to mail-in-voting options and barriers to its use. The project also examines whether adequate notice is being provided to all voters about any changes made to the process or requirements of voting as states rapidly change how they plan to administer this election in light of the pandemic.

Assessing COVID-19 and the Broken Promises to Native Americans

In 2018, the Commission issued *Broken Promises: Continuing Federal Funding Shortfall for Native Americans*, a comprehensive report that addressed the inadequacy of federal funding for Native American programs despite the United States’ trust responsibility to promote tribal self-government, support the general wellbeing of Native American tribes and villages, and protect their land and resources. The Commission voted to hear testimony from experts on how the pandemic has impacted Native American communities with respect to healthcare, housing, and infrastructure components such as access to water and

broadband, and whether the federal government is meeting its obligations to Native American people in this current crisis.

Performance Measure A.1.1.2

In FY 2020, we held two public briefings. In addition to the two briefings described below, the Commission also collected written testimony from 16 experts on voting rights to aid in revisiting the voting barriers discussed in our 2018 report on voting rights, and how jurisdictions' responses to the COVID-19 pandemic are impacting them. The written testimony is available on our website here: <https://www.usccr.gov/pubs/briefing-reports/2018-09-12-Minority-Voting-Rights-Access.php>.

Subminimum Wages: Impacts on the Civil Rights of People with Disabilities

On November 15, 2019, the Commission held a public briefing in Washington, DC to examine the exemption under the Fair Labor Standards Act – the section 14(c) waiver program – which permits employers to pay less than the minimum wage to individuals with disabilities. In April 2018, the U.S. Department of Labor reported that more than 1,800 employers held a waiver of minimum wage requirements, affecting at least some 150,000 workers. Reliable reports indicate that many employers with 14(c) certificates pay far below prevailing or minimum wage while segregating these employees from the non-disabled workforce. The Commission voted to investigate whether this subminimum wage payment violates the civil rights of people with disabilities. The Commission investigation analyzes the use of the 14(c) waiver program, its effect on people with disabilities, and oversight by the Departments of Labor and Justice. The Commission heard presentations from federal officials, academic and legal experts, and advocates. Members of the public also shared their views and experiences directly with the Commission.

Video of the briefing, including the expert panels and open comment period, along with written statements submitted to the Commission from invited experts and members of the public, can be viewed on our website here: <https://www.usccr.gov/pubs/briefing-reports/2020-09-17-Subminimum-Wages.php>.

COVID-19 in Indian Country: The Impact of Federal Broken Promises on Native Americans

On July 17, 2020, the Commission held a virtual briefing to evaluate the impacts of COVID-19 on Native Americans. In 2018, the Commission issued *Broken Promises: Continuing Federal Funding Shortfall for Native Americans*, which addressed the inadequacy of federal funding for Native American programs despite the United States' trust responsibility to promote tribal self-government, support the general wellbeing of

Native American people, tribes and villages, and to protect their land and resources. The Commission heard testimony from experts on how the pandemic has impacted Native American communities with respect to healthcare, housing, and infrastructure components such as access to water and broadband, and whether the federal government is meeting its obligations to Native American people in this current crisis. The Commission heard presentations from experts and advocates.

Video of the briefing, as well as written statements from invited experts and members of the public, can be viewed on our website here: <https://www.usccr.gov/pubs/briefing-reports/2020-07-17-COVID-19-in-Indian-Country.php>.

Strategy A.1.2 - The Commission will keep the Advisory Committees engaged with the Commission’s investigative projects.	FY 2020 Target	FY 2020 Results
A.1.2.1 - The Commission will regularly inform the Advisory Committees of its own past and upcoming activities	Quarterly newsletter	Not Met
A.1.2.2 - The Commission will keep Advisory Committees apprised of investigative priorities so that Advisory Committees can determine whether there is any beneficial overlap or alignment in their agenda setting.	Include relevant SAC reports in Commission Reports	Met
A.1.2.3 - The Staff Director or Commissioners will attend (telephonically or in-person) Advisory Committee briefings or meetings in order to maintain the connection between headquarters and the Committees.	Three Meetings	Met

Performance Measure A.1.2.1

The Commission regularly informs Commission State Advisory Committees (SACs) of the Commission’s past and upcoming activities. Due to COVID-19 and staffing vacancies the Commission did not issue newsletters to SAC members after September 2019. The Commission did notify SAC members when the Commission released civil rights reports and held briefings, inviting SAC members to participate. The Commission also kept SAC members apprised of the Commission’s investigations through attending meetings and orientation sessions.

Performance Measure A.1.2.2

The Commission keeps Commission State Advisory Committees (SACs) apprised of the Commission’s investigative priorities allowing SACs to decide whether to align their work with that of the Commission. The Commission used the collected and provided testimony, findings, and recommendations of SACs in seven of eight FY 2020 reports.

Performance Measure A.1.2.3

To maintain a connection between headquarters and the SACs, Commissioners and/or the Staff Director attended 17 State Advisory Committee meetings or briefings in Alaska, Connecticut, Delaware, Florida, Georgia, Hawaii, Maine, Michigan, Minnesota, Nevada, New York, Oklahoma, South Dakota, Texas, and Washington.

Objective 2: The Commission will publish reports, letters, and statements on important civil rights issues, following investigation and as informed by research, and distribute them to the President, Congress, and the American people.

The Commission plans to achieve this objective by using the following strategy: The Commission will continuously monitor the state of civil rights and issues of national significance and use its expertise to report its policy recommendations.

Strategy A.2.1 - The Commission will continuously monitor the state of civil rights and issues of national significance and use its expertise to report its policy recommendations.	FY 2020 Target	FY 2020 Results
A.2.1.1 - The Commission will issue reports, including its annual statutory enforcement report, to inform its stakeholders of policy recommendations.	Two reports	Met
A.2.1.2 - The Commission will issue statements and letters on current civil rights events and issues of concern.	Five statements and/or letters	Met

Performance Measure A.2.1.1

The Commission issued the following eight reports to inform Commission stakeholders of policy recommendations:

Trauma at the Border: The Human Cost of Inhumane Immigration Policies Practices.

In this report, the Commission reopened our 2015 report on the condition of immigration detention centers, amid renewed concerns about worsening conditions. Based on media reports, government investigations, eyewitness accounts, and public testimony received by the Commission, the report details how the current Administration's changes to asylum, the detention of children, and certain other immigration policies, practices, and procedures have created an unnecessary human and civil rights crisis at the southern border. The report does not rely on information provided directly by the relevant federal agencies as, regrettably, they did not respond to our discovery requests.

The institution of the Zero Tolerance policy and decision to forcibly and deliberately separate children, including infants and toddlers, from parents or adult family members on a mass scale, which proceeded with no plans or coordination to reunite families, is a gross human and civil rights violation. The impact of separating immigrant families and indefinite detention is widespread, long-term, and perhaps irreversible physical, mental, and emotional childhood trauma. Disturbingly, there remain credible allegations that family separations continue, despite an Executive Order halting them. Immigrant children, as well as adults, experienced trauma as a result of the Administration's policies. The Commission heard directly from immigrant detainees who confirmed traumatic experiences as a result of not only being separated from their families, but also the trauma they suffered as a result of enduring inhumane conditions at detention facilities and sometimes on account of the cruel treatment by Department of Homeland Security personnel.

In addition, the new testimony and data indicate that federal agencies have not heeded the Commission's recommendations from its 2015 report. Agencies continue not to provide appropriate and critical legal and medical services to detainees, or transparency about the government's policies in detaining individuals. Further, agencies continue inequitable treatment of Lesbian, Gay, Bisexual, and Transgender (LGBT) individuals, individuals with disabilities, and non-English speakers. The Commission found that detention conditions have significantly deteriorated under the current Administration's policies. Some child detention facilities lack basic hygiene and sleeping arrangements; they sometimes lack soap, blankets, dental hygiene, potable water, clean clothing, and nutritious food. The Commission received evidence and testimony that child detention facilities lack appropriately trained medical personnel and medicine, medical staff are not routinely present at detention facilities and wait times to see a doctor can be weeks long, regardless of how dire the situation. Language barriers pose an immense hurdle to staff's ability to offer adequate and appropriate medical and mental health treatment to children while detained.

The Commission majority voted for key recommendations, including the following: the Administration must immediately reunify any remaining children with their parents, including parents who were deported before, during, and after Zero Tolerance, unless there is a proven serious risk to the best interests of the child. The Administration should immediately remedy conditions in detention centers regarding overcrowding, food, and sanitation so as not to further traumatize children forced to flee their homes.

The Department of Homeland Security should conduct greater oversight and inspection of detention centers, specifically those relating to child detention centers, and should enforce detention center standards up to and including the closure of a detention facility for violating detention center standards and other applicable laws. Congress should expand the authority of Department of Homeland Security Office for Civil Rights and Civil Liberties to respond directly to complainants and enforce civil rights protections. New immigration

policies should be precleared by Office for Civil Rights and Civil Liberties or another independent body to ensure they do not violate civil rights, prior to causing harm.

Due to the inconsistent and inhumane treatment of children, Congress should pass legislation that sets minimum safe, sanitary and humane detention conditions, and provide sufficient funding to address the crisis in detention facilities for both children and adults. Because the purpose of immigration detention is not punitive, the standard of care should be based on providing reasonable care and safety, and not on incarceration standards. Congress should require that no funds should be used for the detention of any asylum seeker who has been found to establish a credible fear of persecution, apart from narrow exceptions.

Congress must provide sufficient funding to address the need for hiring, full training, and retention of experienced and qualified administrative law judges and related staff to process asylum and other immigration claims, to ensure asylum seekers and other immigrants are accorded full due process. Congress should pass legislation allowing members of Congress and members of this Commission to conduct independent inspections of detention facilities with minimal notice (no more than 24 hours) and be given full access to detainees to interview them.

The report is available at the following website:

<https://www.usccr.gov/pubs/2019/10-24-Trauma-at-the-Border.pdf>

In the Name of Hate: Examining the Federal Government's Role in Responding to Hate Crimes

In this report, the Commission examined three areas: (1) federal law enforcement's hate crimes reporting practices and local policies being developed to encourage greater reporting; (2) federal prosecution and enforcement of laws regarding hate crimes and bias-motivated incidents; and (3) prevention of federal crimes based on race, national origin, ethnicity, disability, religion, gender, sexual orientation, or gender identity. Further, the Commission also explored the increase in reported hate incidents in American schools and in the public realm, along with current and potential civil rights tools that may be used to protect students and others against hateful, hostile, or threatening speech, including online speech, within the bounds of the First Amendment.

The Commission majority approved key findings including the following: Available evidence suggests hate crimes are increasing in America. Many Americans are negatively impacted by hate crimes and are fearful of the heightened expression of hate and bigotry in the United States. As of the time of the report publication, 46 states and the District of Columbia have some form of hate crime statute, leaving Arkansas, Georgia, South Carolina, and Wyoming as states without such statutes.

The highest percent of reported post-2016 election hate incidents were in K-12 schools, and the majority of these incidents involved racial discrimination. Educators, researchers, parents and students should pay attention to bullying and hate-related incidents in schools and actively work with students and school communities to prevent them.

The Commission majority voted for key recommendations, including the following: Congress should pass legislation and provide adequate funding that would incentivize local and state law enforcement to more accurately report hate crimes to the FBI, and promote greater transparency and accountability, which would aid in building community trust. Congress should also pass legislation to ensure that federal law enforcement agencies collect and report their hate crime data to the FBI. To ensure that states are accurately reporting hate crime data they receive from local law enforcement agencies in their jurisdiction, the federal government should condition federal funding on reporting and publication of data, undergoing data auditing for accuracy, and working with community groups to report hate crimes even where a victim does not want to move forward with criminal prosecution.

Additionally, the Commission recommends that the Trump Administration reinstate groups within the Department of Homeland Security who analyze the threat of domestic terrorism and reinstate grants awarded to groups who counter white supremacist terror. The DOJ should provide grants, training materials, and resources for police departments to receive cultural competency and sensitivity training related to hate crimes and bias-motivated incidents. Congress should allocate additional funding towards anti-bias training for law enforcement officers.

Congress should pass legislation that includes hate crime prevention and response programs at higher education institutions and ensures that students and faculty are aware of related safety concerns on and around campuses. The Department of Education's Office for Civil Rights must vigorously enforce the protections against harassment that federal civil rights laws guarantee to students and provide the necessary leadership for school officials and administrators at primary, secondary, and higher education institutions to protect their students from bias-related incidents.

The report is available at the following website:

<https://www.usccr.gov/pubs/2019/11-13-In-the-Name-of-Hate.pdf>

Are Rights A Reality? Evaluating Federal Civil Rights Enforcement

In this report, the Commission evaluated federal civil rights enforcement. Congress charges the federal government with enforcing federal civil rights laws providing protection from discrimination on the bases of race, color, religion, national origin, sex, disability, age, and several other protected characteristics in a broad range of areas including employment, housing, voting, education, and public accommodations. Congress and federal agencies established civil rights offices at the agencies to enforce these civil rights and ensure

compliance. In this report, the Commission evaluates the most essential elements for effective federal civil rights enforcement, examining thirteen different federal agencies, seeking to evaluate each on the efficacy of the agency's external federal civil rights enforcement efforts from Fiscal Year 2016 to Fiscal Year 2018. The federal agencies this evaluation reviews are:

- U.S. Department of Justice, Civil Rights Division
- U.S. Department of Education, Office for Civil Rights
- U.S. Department of Labor, Office of Federal Contract Compliance Programs and Civil Rights Center and Civil Rights Center
- U.S. Department of Health and Human Services, Office for Civil Rights
- U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity
- U.S. Equal Employment Opportunity Commission
- U.S. Department of Homeland Security, Office for Civil Rights and Civil Liberties
- U.S. Environmental Protection Agency, External Civil Rights Compliance Office
- U.S. Department of Transportation, External Civil Rights Programs Division of the Departmental Office of Civil Rights
- U.S. Department of Veterans Affairs, Office of Resolution Management
- U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights
- U.S. Department of the Treasury, Office of Civil Rights and Diversity
- U.S. Department of the Interior, Office of Civil Rights

The Commission majority approved key findings including the following: the extraordinary volume of complaints filed with federal civil rights agencies and findings and resolutions from these agencies underscore the reality that, today, the nation still has not reached a time when recognition of and protection for core civil rights promises is the norm for all Americans. The Commission heard compelling bipartisan testimony regarding ongoing widespread civil rights harms that underscore the need for strong federal agency enforcement of federal civil rights laws. In evaluating data across 13 agencies, the Commission found agencies generally lack adequate resources to investigate and resolve discrimination allegations within their jurisdiction, leaving allegations of civil rights violations unredressed.

Key Commission majority recommendations include the following: Congress should continue to prioritize civil rights office capacity through budget appropriations, specifically increasing their staff capacity to fulfill the jurisdictional authorities Congress has given them and in so doing to maximize their capacity to protect civil rights for all Americans. Congress should exercise oversight authority to evaluate baseline staffing necessary for federal agency civil rights offices to be able to fulfill their civil rights enforcement functions. Any determination of the requisite staffing necessary to fulfill an agency's external civil rights enforcement function should include evaluation of the amount of

federal funding distributed and the staffing necessary to conduct proactive compliance reviews of those funding recipients. Congress should give civil rights offices that now lack such authority the authority to compel resolution from noncompliant entities within an agency's jurisdiction, to allow for efficient investigation of allegations of civil rights harms.

Cabinet agencies of which civil rights offices are part should ensure that civil rights offices are incorporated into agency policy decision making and grant fund decision making, in addition to civil rights enforcement or watchdog responsibilities. No agency should prioritize enforcement of one civil rights protection over another.

The report is available at the following website:

<https://www.usccr.gov/pubs/2019/11-21-Are-Rights-a-Reality.pdf>

Free to Learn: Speech and Sexual Harassment on Campus

In this report, the Commission addresses the potential tension between free speech and impermissible sexual harassment in higher education. Federal antidiscrimination law protects individuals from sexual harassment that interferes with education. The First Amendment protects speech – which may be offensive – in public schools, among other places, and regulating the content of speech can lead to the suppression of ideas and chill academic discourse. This report also evaluates guidance to higher education institutions from the United States Department of Education as to the line between protected speech and impermissible sexual harassment in education, as well as two instances of the Department's Title IX enforcement regarding sexual harassment.

The Commission majority approved key findings including the following: Education institutions that receive federal funds must maintain campuses free from sex-based discrimination, including sexual harassment. Sexual harassment occurs with frequency in higher education institutions and can have life-changing impacts including a significant negative effect on the academic experiences, health, and well-being of those being harassed. It has been shown to relate to disengagement, poor grades, symptoms of depression and anxiety, and to raise concerns about campus safety. When perpetrated by faculty or staff, it can lead to feelings of institutional betrayal. Consistent with maintaining the right to free speech, courts have held that schools may act to discipline students who harass or threaten other students. Investigative reporting has shown that lax enforcement from the Department of Education's Office for Civil Rights can result in schools not taking claims of sexual harassment seriously.

The Commission majority voted for key recommendations, including the following: The United States Department of Education's Office for Civil Rights should vigorously enforce Title IX, consistent with the recognition that failure to enforce nondiscrimination principles may have deleterious effects on students, such as disengagement and psychological distress, and on campus communities more broadly. The Office for Civil Rights should

continue to make clear to the regulated community that its enforcement standards comport with and continue to adhere to First Amendment principles.

The Commission also recommends that the Office for Civil Rights collect data from colleges and universities on the number of sexual harassment complaints filed with or incidents reported to the college or university, and how the college university investigated and resolved each complaint or report. The data should include whether the complaint or report resulted in a misconduct finding and whether the subject of the complaint or report was disciplined and how.

The report is available at the following website:

<https://www.usccr.gov/pubs/2020/02-19-Free-to-Learn.pdf>

Women in Prison: Seeking Justice Behind Bars

In this report, the Commission examines the civil rights of women in United States prisons. The population of women in prison has increased dramatically since the 1980s, and this growth has outpaced that of men in prison, yet there have been few national-level studies of the civil rights issues incarcerated women experience. The Commission studied a range of issues that impact incarcerated women, including deprivations of women's medical needs that may violate the constitutional requirement to provide adequate medical care for all prisoners; implementation of the Prison Rape Elimination Act (PREA); and the sufficiency of programs to meet women's needs after release. The Commission also examined disparities in discipline practices for women in prison compared with men, and the impacts of incarcerated women being placed far from home or having their parental rights terminated.

The Commission majority approved key findings including the following: Many prison policies and facilities are not designed for women or tailored to their specific needs. Rather, many policies were adopted from men's prison institutions without evaluating their application to women's prison institutions. Incarcerated women report extremely high rates, and much higher rates than men, of histories of physical, sexual, and mental trauma. Notwithstanding federal statutory legal protections such as the Civil Rights of Institutionalized Persons Act (CRIPA) and the Prison Rape Elimination Act (PREA), aimed at protecting incarcerated people, many incarcerated women continue to experience physical and psychological safety harms while incarcerated and insufficient satisfaction of their constitutional rights. Department of Justice (DOJ) litigation against prison systems involving sexual abuse among other wrongs has secured important changes to safeguard incarcerated women's rights.

Classification systems that are not calibrated for gender-specific characteristics have been shown to classify incarcerated women at higher security requirement levels than necessary for the safety and security of prisons; women classified at higher security levels may receive fewer vocational and educational, community placement, and reentry opportunities

than they would have received had they been classified at lower security levels. Many incarcerated women are placed at facilities far from their families, limiting visitation opportunities. Many prison policies do not prioritize family visits, such as by permitting extremely limited family visitation hours that often do not reflect distances visiting family must travel.

Some prisons provide adequate healthcare specific to women, such as gynecological and prenatal care, while others do not. The high rates at which incarcerated women report past trauma results in the need for mental health care and treatment while incarcerated. Sexual abuse and rape remain prevalent against women in prison. Incarcerated women who report sexual assault have experienced retaliation by their institutions and prison personnel in violation of the law.

The Commission majority voted for key recommendations, including the following: DOJ should continue to litigate enforcement of the civil rights of incarcerated women in states that violate these mandates and the rights of incarcerated women. Prison officials should adopt validated assessment tools, currently available, to avoid inaccurately classifying incarcerated women to a higher security level than appropriate. Prison officials should give strong preference to placing incarcerated women in as close proximity as possible with location of their family, provide free video and low cost phone services to incarcerated persons, and not ban in-person visits for non-safety reasons.

Prison officials should implement policies to address women's specific healthcare needs, including gynecological and prenatal care, as is constitutionally required. Prisons should have adequate mental health care staff and treatment programs available to meet the needs of the many incarcerated women with mental health challenges, such as past trauma. Congress should enact stricter penalties for non-compliance with PREA standards focused on inmate safety and consistently appropriate funding sufficient to ensure correctional agencies comply with PREA.

Prisons should implement evidence-based, trauma-informed discipline policies to avoid harsh punishments for minor infractions, and recognizing the significant harms that can result from placement in restrictive housing. Prisons should ensure restrictive housing is not used against people of color, LGBT people, and people with mental health challenges in a discriminatory manner.

The report is available at the following website:

<https://www.usccr.gov/pubs/2020/02-26-Women-in-Prison.pdf>

Federal #MeToo: Examining Sexual Harassment in Government Workplaces

In this report, the Commission examined the Equal Employment Opportunity Commission's (EEOC) enforcement efforts to combat workplace sexual harassment across the nation's largest employer, the federal government. The Commission's review included

the frequency of such claims and findings of harassment, the resources dedicated to preventing and redressing harassment, and the impact and efficacy of these enforcement efforts. The Commission also evaluated agency-level sexual harassment practices at the State Department and at the National Aeronautics and Space Administration (NASA).

The Commission majority approved key findings including the following: Despite the passage of over thirty years since the landmark ruling establishing that sexual harassment claims may be pursued under Title VII of the Civil Rights Act, sexual harassment continues to be a significant problem, including in federal workplaces. According to a 2018 Merit Systems Protection Board (MSPB) survey, an estimated 1 in 7 federal employees experienced sexually harassing behaviors at work between 2016 and 2018. Women face the highest risk of sexual harassment in federal workforces. The EEOC does not report intersectional data on sexual harassment; however, studies have shown that black women are at the highest risk of being victims of sexual harassment across all sectors. Within the federal workforce, black workers are substantially more likely to be the victims of sexual harassment than members of any other race. Between 2014 and 2016, EEOC reviewed anti-harassment programs at each federal agency under its jurisdiction, finding that a vast majority of federal agencies had ineffective antiharassment programs.

The Commission majority voted for key recommendations, including the following: The federal government, as the largest employer in the nation, must be a model employer and it, through its Office of Personnel Management and following guidance from EEOC, should continually disseminate sexual harassment policies and practices consistent with the conduct of a model mandatory anti-harassment training programs that are specific, clear, and accessible and target every level of employee. Federal agencies should take steps to prevent the incidence of workplace sexual harassment, including:

- Implementing department-wide, uniform penalties to be used in disciplinary actions
- Banning serious perpetrators from receiving promotions and performance awards
- Ending the practice of reassigning perpetrators to other divisions
- Embracing and training employees regarding bystander intervention

Congress should establish a federal ombudsperson, empowered to investigate alleged sexual harassment claims of complainants who may not have adequate recourse through available channels where existing agency structures may be compromised by conflicts. Congress should allocate additional funds to enable EEOC to help agencies proactively identify and prevent sexual harassment.

Specifically, with respect to the two federal agencies that the Commission investigated, the Commission recommended that NASA engage in stricter enforcement of the anti-discrimination and anti-harassment laws that protect individuals in federally funded institutions under Title IX to address the culture of sexual harassment and misogyny in grant-receiving research institutions. The Commission also determined that in light of

testimony we received, and the often isolated geographic conditions in which diplomatic functions must be discharged, it is important that State Department leadership, including the Secretary, direct and ensure that the culture of State workplaces globally is to have zero tolerance for sexual harassment, meaningful access to fair processes where claims are asserted, and no tolerance for retaliation.

The report is available at the following website:

<https://www.usccr.gov/pubs/2020/04-01-Federal-Me-Too.pdf>

Examining the Race Effects of Stand Your Ground Laws

In this report, the Commission provides Commissioner statements and the transcript from the Commission briefing on Stand Your Ground laws. The purpose of the briefing was to determine whether there is a possible racial bias in the assertion, investigation, or enforcement of justifiable homicide laws in states with Stand Your Ground provisions. The report provides expert testimony from state legislators, academic researchers, and advocates, as well as testimony on the personal impact of these laws.

The report is available at the following website:

<https://www.usccr.gov/pubs/2020/04-06-Stand-Your-Ground.pdf>

Subminimum Wages: Impacts on the Civil Rights of People with Disabilities

This report examines current implementation of Section 14(c) of the Fair Labor Standards Act of 1938, which directs the U.S. Secretary of Labor to grant special certificates allowing for the employment of workers with disabilities below the federal minimum wage to prevent reduced employment opportunities. The Commission collected data and testimony from Members of Congress, Labor and Justice Department officials, self-advocates and workers with disabilities, family members of people with disabilities, service providers, current and former public officials, and experts on disability employment and data analysis; conducted two field visits to employment and service provision sites supporting workers with disabilities earning subminimum and competitive wages; and received thousands of public comments both in favor of and opposed to the 14(c) program.

The primary recommendation approved by the Commission majority following this inquiry was that Congress should repeal Section 14(c) with a planned phase-out period to allow transition among service providers and people with disabilities to alternative service models prioritizing competitive integrated employment.

The Commission majority approved key findings including the following: As currently utilized, the U.S. Department of Labor has repeatedly found 14(c) providers limiting people with disabilities participating in the program from realizing their full potential while allowing providers and associated businesses to profit from their labor. This limitation is contrary to 14(c)'s purpose. Persistent failures in regulation and oversight of the 14(c)

program by government agencies including the Department of Labor and Department of Justice have allowed and continue to allow the program to operate without satisfying its legislative goal to meet the needs of people with disabilities to receive supports necessary to become ready for employment in the competitive economy.

People with intellectual and developmental disabilities who are currently earning subminimum wages under the 14(c) program are not categorically different in level of disability from people with intellectual and developmental disabilities currently working in competitive integrated employment. State-level phase outs of the use of the 14(c) program have been developed and designed for state service providers and other stakeholders to ensure that a competitive integrated employment model does not result in a loss of critical services to individuals with disabilities including former 14(c) program participants.

The Commission majority voted for key recommendations, in addition to recommending that Congress repeal Section 14(c) with a planned phase-out period. The phased repeal of 14(c) must not reflect a retreat in federal investments and support for employment success of persons with disabilities but rather a reconceptualization of the way in which the federal government can enhance the possibilities for success and growth for people with disabilities.

Congress should expand funding for supported employment services and prioritize capacity building in states transitioning from 14(c) programs. Now and during the transition period of the Section 14(c) program, Congress should assign civil rights oversight responsibility and jurisdiction, with necessary associated fiscal appropriations to conduct the enforcement, either to the Department of Labor or to the Department of Justice Civil Rights Division. Congress should also require that the designated civil rights agency issue an annual report on investigations and findings regarding the 14(c) program. During the phase-out period, Congress should require more stringent reporting and accountability for 14(c) certificate holders, and following the phase out should continue to collect data on employment outcomes of former 14(c) employees.

The Department of Justice should increase enforcement of the Olmstead integration mandate to determine whether state systems are inappropriately relying on providers using 14(c) certificates to provide non-integrated employment in violation of Olmstead. The Department should issue guidance, open more investigations, and litigate where voluntary compliance cannot be achieved.

The report is available at the following website:

<https://www.usccr.gov/files/2020-09-17-Subminimum-Wages-Report.pdf>

Performance Measure A.2.1.2

During FY 2020, the Commission issued the following 19 statements and 5 letters on current civil rights issues and recognizing the passing of figures important to the Commission and civil rights more broadly:

Subject: U.S. Commission on Civil Rights Comment in Opposition to Notice of Proposed Rulemaking re HUD's Implementation of the Fair Housing Act's Disparate Impact Standard

On October 18, 2019, the Commission, by majority vote, submitted comments in opposition to the Department of Housing and Urban Development's (HUD) Notice of Proposed Rulemaking that seeks to change the standard for disparate impact liability in housing discrimination claims under the Fair Housing Act. The Commission has very strong concerns that the Proposed Rule will impose substantial new obstacles for victims of discrimination and will undermine the protections of the Fair Housing Act, thereby substantially undermining necessary civil rights protection in an area about which the Commission and its state advisory committees continue to receive compelling evidence of need for meaningful federal corrective action.

The letter is available at the following website:

<https://www.usccr.gov/press/2019/10-18-HUD-Disparate-Impact-Proposed-Rule.pdf>

Subject: The U.S. Commission on Civil Rights Urges Congress to Prioritize Civil Rights Oversight and Legislation

On December 5, 2019, the Commission, by majority vote, renewed an appeal to the 116th Congress to prioritize civil rights issues with its oversight and legislative activity. The Commission updated the Commission's December 2018 statement based on the Commission's investigative activity over the past year, and the continuing urgent need to restore our nation's commitment to civil rights. For over sixty years, Congress has mandated that the U.S. Commission on Civil Rights advise Congress, the President, and the American public on matters of civil rights policy; that mandate is as pressing now as it has ever been. The Commission's recent evaluation of issues ranging from collateral consequences of criminal justice involvement, broken promises to Native Americans, effective prevention and prosecution of hate crimes, school discipline, children in immigration detention, and federal agency civil rights enforcement, among other critical areas, demonstrates that Congress can and should redouble its efforts to bolster civil rights protections in this country.

The statement is available at the following website:

<https://www.usccr.gov/press/2019/12-05-Statement-Congress-Prioritize-Civil-Rights.pdf>.

Subject: The U.S. Commission on Civil Rights Expresses Concern Over Treatment of Iranian Americans

On January 30, 2020, the Commission, by unanimous vote, expressed deep concern over the treatment of Iranians and Iranian Americans in airports, and calls on the Department of Homeland Security to take all necessary steps immediately to ensure equitable treatment of all people at America's borders and on the Department of Homeland Security's Office of Civil Rights and Civil Liberties to investigate reports of discriminatory treatment of Iranians and Iranian Americans at our borders and within the United States.

The statement is available at the following website:

<https://www.usccr.gov/press/2020/01-30-USCCR-Statement-on-Iranian-Americans.pdf>.

Subject: U.S. Commission on Civil Rights Comment in Opposition to FY-6123-P-02 Affirmatively Furthering Fair Housing

On February 28, 2020, the Commission, by majority vote, submitted comments in opposition to the Department of Housing and Urban Development's (HUD) Notice of Proposed Rulemaking that seeks to roll back requirements for local jurisdictions to comply with the Fair Housing Act. The Commission has deep concern that the Proposed Rule will undermine the purpose of the Fair Housing Act and allow fair and affordable housing to remain out of reach for America's neediest people.

The letter is available at the following website:

<https://www.usccr.gov/press/2020/02-28-USCCR-Public-Comment-HUD-AFFH-Regulation.pdf>

Subject: The U.S. Commission on Civil Rights Calls for Adequate Healthcare in Prisons and Detention Centers During the COVID-19 Outbreak

On March 20, 2020, the Commission, by unanimous vote, issued a statement encouraging directors of Departments of Correction, Sheriffs, Chiefs of Police, Immigration and Customs Enforcement and Customs and Border Protection officials to provide COVID-19 healthcare protections and medical care to those in their custody during the COVID-19 pandemic. The Commission recognizes the potential for serious health consequences for those incarcerated in prisons and detention facilities as COVID-19 continues to spread. This is a critical concern regarding the administration of justice and one that, based on the

demographics of incarcerated persons, bears directly and disproportionately on minority populations and on people of particular national origins.

The statement is available at the following website:

<https://www.usccr.gov/press/2020/03-20-COVID-19-Detention-Prison-Healthcare.pdf>

Subject: The U.S. Commission on Civil Rights Expresses Concern Over Growing Anti-Asian Racism and Xenophobia Amid the COVID-19 Outbreak

On March 20, 2020, the Commission, by majority vote, issued a statement expressing grave concern over recent demonstrations of violence and hate toward people of Asian descent provoked by misplaced fear over the COVID-19 pandemic. In our recent report on hate crimes, the Commission discussed research findings that hate crimes “are fueled by racial anxieties or social changes that are perceived as threatening,” like the attacks on September 11, 2001. In the current circumstances, people are frightened for their health, and the health of their families, and their economic security but that makes it all the more imperative that no American is ostracized solely because of their race or national origin.

The statement is available at the following website:

<https://www.usccr.gov/press/2020/03-20-Racism-and-Coronavirus-Stmt.pdf>

Subject: The U.S. Commission on Civil Rights Voices Concern Over Executive Proclamation Expanding Existing Orders on Religious and National Origin Travel Discrimination

On March 20, 2020, the Commission issued a statement expressing concern over expanding existing orders on religious and national origin travel discrimination. On January 31, 2020, the White House issued a “Proclamation on Improving Enhanced Vetting Capabilities and Processes for Detecting Attempted Entry.” By this order, the White House expanded the reach of the original “Muslim ban” and unilaterally closed the door to almost all would-be immigrants from Burma (Myanmar), Eritrea, Kyrgyzstan, Nigeria, Sudan, and Tanzania.. The Commission strongly condemns the continuation of these discriminatory immigration bans, and urges the White House to reverse its policies and adhere to the principles of non-discrimination and the law of asylum that protects free speech, free thought, and democratic principles at home and abroad.

The statement is available at the following website:

<https://www.usccr.gov/press/2020/03-20-Travel-Ban-Stmt.pdf>

Subject: The U.S. Commission on Civil Rights Urges Federal Agencies to Vigilantly Enforce Civil Rights Laws During and in the Wake of the COVID-19 Crisis

On April 17, 2020, the Commission issued a statement urging all federal agencies to remain vigilant in enforcing civil rights laws during the current COVID-19 pandemic, and to stand ready to address potential civil rights violations that arise in relation to the crisis. The Commission also calls on Congress to provide necessary funding for civil rights enforcement for Fiscal Year 2021, including for COVID-19 associated enforcement. The unprecedented disruption to American life and commerce requires extraordinary measures to sustain life and well-being; nevertheless, the federal laws that guard against discrimination in the United States remain vital.

The statement is available at the following website:

<https://www.usccr.gov/press/2020/04-17-Statement-on-Coronavirus-Federal-Guidance.pdf>

Subject: The U.S. Commission on Civil Rights Mourns the Passing of Abigail Thernstrom

On April 17, 2020, the Commission issued a statement mourning the passage of Abigail Thernstrom. She served as a member of this Commission from 2001 to 2013 and as its Vice Chair from 2004 to 2013. “Throughout her illustrious career, Thernstrom was a tireless champion for the principle of equal justice for all,” said Gail Heriot, a member of the Commission who served with Commissioner Thernstrom from 2007 to 2013.

The statement is available at the following website:

<https://www.usccr.gov/press/2020/04-17-USCCR-Thernstrom-Memorial.pdf>

Subject: The U.S. Commission on Civil Rights Unanimously Issues Recommendations to Secure Nondiscrimination in the COVID-19 Pandemic Context, and Specifically to Address Anti-Asian Racism and Xenophobia

On May 8, 2020, the Commission, unanimously, issued a statement expressing concern over the increase in xenophobic animosity toward Asian Americans (and perceived Asian Americans) as a result of the COVID 19 pandemic. All federal civil rights offices should use enforcement where necessary to secure rights violated within their jurisdictions. It is also necessary for the federal government to communicate and act in a manner that demonstrates to communities that it will protect all Americans regardless of race, national origin, or other protected characteristics.

The statement is available at the following website:

<https://www.usccr.gov/press/2020/05-08-Anti-Asian-Discrimination.pdf>

Subject: Commission issue recommendations to federal agencies to reduce the dangerous and hateful spread of anti-Asian sentiment that is on the rise during this pandemic

On May 8, 2020, the Commission wrote a letter to Senators responding to their April 10, 2020 letter requesting the Commission issue recommendations to federal agencies to reduce the dangerous and hateful spread of anti-Asian sentiment that is on the rise during this pandemic. The Commission provided recommendations to reduce the dangerous and hateful spread of anti-Asian sentiment that appears to be on the rise during this pandemic.

The letter is available at the following website:

<https://www.usccr.gov/press/2020/05-14-CLhamon-Letter-to-Senators-re-Anti-Asian-Discrimination.pdf>

Subject: The U.S. Commission on Civil Rights Announces Opposition to Executive Branch Action Shutting Down Virtually All Immigration of Permanent-Residence Seekers into the United States

On May 8, 2020, the Commission, by majority vote, issued a statement strongly objecting to the Trump Administration's halting of the issuance of green cards for people seeking legal permanent residence in the United States as having no rational relationship to the stated reasons regarding the COVID 19 pandemic or protecting American jobs. The Commission urges the President not to stop legal immigration in a manner that is contrary to our history and values, and reiterate our call to the President to not blame immigration for the pandemic and our economic emergency.

The statement is available at the following website:

<https://www.usccr.gov/press/2020/05-08-Immigration-Shutdown.pdf>

Subject: The U.S. Commission on Civil Rights Unanimously Condemns the Killings of Ahmaud Arbery, Breonna Taylor, and George Floyd and Calls on the Department of Justice to Enforce Federal Civil Rights Laws that Protect Americans from Unconstitutional Policing Practices

On June 5, 2020, the Commission unanimously issued a statement urging vigorous federal enforcement of civil rights laws that protect Americans from unconstitutional policing practices. Several recent uses of deadly force against African-American civilians underscore how essential such enforcement is to protect civil rights, yet in the current Administration the U.S. Department of Justice has taken the public position to significantly curtail policing investigations, and followed through in that reduction. The Commission

acknowledged the Department of Justice (DOJ) decision to initiate a criminal investigation into the death of George Floyd in Minneapolis, Minnesota, a use of deadly force that has been widely criticized by law enforcement leaders themselves, but urged DOJ to take steps necessary to build public trust in a federal commitment to constitutional policing practices and to ensuring nondiscrimination in police uses of force. Specific to recent incidents, the Commission urged that DOJ immediately initiate a pattern or practice investigation of any unconstitutional conduct by the Minneapolis Police Department. The Commission also called upon the DOJ to exercise its authority and engage in a pattern or practice review of state and local authorities and their prosecution practices given the circumstances surrounding the investigation and belated decisions to prosecute the killing of Ahmaud Arbery in Brunswick, Georgia. Additionally, the Commission asked the DOJ to initiate an investigation into the killing of Breonna Taylor, in Louisville, Kentucky to determine whether her death was part of a pattern or practice of unconstitutional conduct by Louisville Metro Police Department. More broadly, the Commission urged DOJ to return to use of all the tools Congress has afforded it to protect the civil rights of all Americans who come in contact with public safety officers.

The statement is available on the website at:

<https://www.usccr.gov/press/2020/06-05-Pattern-or-Practice-Statement.pdf>

Subject: The U.S. Commission on Civil Rights Urges All Law Enforcement to Follow Constitutional Policing Practices in Response to the Recent Demonstrations

On June 5, 2020, the Commission unanimously issued a statement urging the Administration and the Department of Justice to advocate that all policing forces used by federal, state, and local governments, in response to the recent protests sparked by the alleged killing of George Floyd by a Minneapolis police officer, abide by constitutional policing practices that ensure against bias and promote non-discriminatory accountability and enforcement.

The statement is available at the following website:

<https://www.usccr.gov/press/2020/06-05-Constitutional-Policing.pdf>

Subject: The U.S. Commission on Civil Rights Mourns the Passing of LGBTQ and AIDS Activist Larry Kramer

On June 5, 2020, the Commission issued a statement mourning the passing of Larry Kramer, a pioneering, pre-eminent AIDS and LGBTQ activist. Mr. Kramer was known, loved, reviled, and feared for his decades of fierce, articulate, unrelenting, and combative AIDS advocacy.

The statement is available at the following website:

<https://www.usccr.gov/press/2020/06-05-USCCR-Kramer-tribute.pdf>

Subject: The U.S. Commission on Civil Rights Calls on Trump Administration to Revise Regulations and Enforcement Practices to Recognize Civil Rights Protections for LGBT Americans and Comply with the *Bostock* Decision

On June 19, 2020, the Commission issued a statement urging the Administration to drop its repeated and ongoing efforts to perpetuate discrimination on the basis of sex with respect to sexual orientation and gender identity. On June 15, 2020, the Supreme Court ruled in no uncertain terms that Title VII of the Civil Rights Act of 1964 and its prohibition on employment discrimination “because of . . . sex” protects against discrimination on the basis of sexual orientation and gender identity.

The statement is available at the following website:

<https://www.usccr.gov/files/2020-06-19-USCCR-Calls-for-Changes-Post-Bostock.pdf>

Subject: The U.S. Commission on Civil Rights Supports Policing Reform Measures in the Justice in Policing Act of 2020

On June 19, 2020, the Commission, by majority vote, issued a statement supporting measures in the Justice in Policing Act of 2020 as consistent with the Commission’s call to ensure that every community resident should be able to live, work, and travel confident in an expectation that interactions with police officers will be fair, consistent with constitutional norms, and guided by public safety free from bias or discrimination. The Act prohibits certain police practices, like racial profiling and no-knock warrants in drug cases. It also provides for greater transparency through data collection and publication.

The statement is available at the following website:

<https://www.usccr.gov/files/2020-06-19-USCCR-Supports-Justice-in-Policing-Act.pdf>

Subject: The U.S. Commission on Civil Rights Applauds the U.S. Supreme Court’s Recent Decision Upholding U.S. Treaties with Native Americans

On July 17, 2020, the Commission, by majority vote, issued a statement applauding the U.S. Supreme Court’s decision in *McGirt v. Oklahoma* “hold[ing] the government to its word” and vindicating a promise we made, as a country, to the Creek Nation in 1866. The Commission agree wholeheartedly with the Court’s holding that “there can be no question that Congress established a reservation for the Creek Nation”—and further applaud the Court’s recognition that it is “equally clear that Congress has since broken more than a few of its promises to the Tribe.”

The statement is available at the following website:

<https://www.usccr.gov/files/2020-07-17-McGirt-Statement.pdf>

Subject: The U.S. Commission on Civil Rights Supports the Washington, D.C. Admission Act

On July 17, 2020, the Commission, by majority vote, issued a statement supporting the Washington, D.C. Admission Act. More than 700,000 Americans living in Washington, D.C. are denied meaningful representation in Congress. This ongoing denial of voting rights cannot be separated from D.C.'s historic role as a majority-Black city. D.C.'s residents are required to comply with all the obligations of citizenship, but denied full and equal representation in a country that was founded on the revolutionary premise of "no taxation without representation."

The statement is available at the following website:

<https://www.usccr.gov/files/2020-07-17-Official-DC-Statehood-Statement.pdf>

Subject: The U.S. Commission on Civil Rights Acknowledges Decision to Change the Name of the Washington D.C. Football Team

On July 17, 2020, the Commission, by majority vote, issued a statement acknowledging the decision of Washington D.C.'s professional football team to cease using an offensive term as its official team name after severe economic pressure was applied by corporate sponsors. We urge other non-Native professional teams, schools, and athletic associations to discontinue their use of team names and imagery associated with Native Americans.

The statement is available at the following website:

<https://www.usccr.gov/files/2020-07-17-Official-Native-American-Mascots-Statement.pdf>

Subject: The U.S. Commission on Civil Rights Salutes the Life and Legacy of John Lewis

On July 24, 2020, the Commission, by unanimous vote, issued a statement saluting the life and legacy of Congressman John Lewis, an American champion of civil rights and human dignity. John Lewis, the Conscience of the United States Congress, will always be an inspiration for our nation. John Lewis has left us, but his legacy is eternal.

The statement is available at the following website:

<https://www.usccr.gov/files/2020-07-24-John-Lewis-Memorial.pdf>

Subject: Reallocation of Resources to Communities

On August 6, 2020, the Commission wrote to letter to members of Congress highlighting some relevant recent reports the U.S. Commission on Civil Rights has published, and especially the findings and recommendations. The Commission is grateful that the House of Representatives has taken action to pass the George Floyd Justice in Policing Act, which incorporates many reforms we called for in our 2018 report on police use of force. If there is to be a national movement towards more effectively reallocating resources towards communities, the recommendations in this letter can serve as a guide to community investment that promotes safer communities, educational equity, and racial justice.

The letter is available at the following website:

<https://www.usccr.gov/files/2020-08-06-Letter-to-Congress-re-Reallocation-of-Resources.pdf>

Subject: The U.S. Commission on Civil Rights Remembers Reverend C.T. Vivian,

On August 21, 2020, the Commission issued a statement remembering the life of Reverend C.T. Vivian. C.T. Vivian spoke of Black Americans' aspiration for equality, and, as we would learn, he spoke of destiny. He was a fearless fighter for equality in a cause that was paved with his sacrifices and those of so many others.

The statement is available at the following website:

<https://www.usccr.gov/files/2020-08-21-FMRTCT-Vivian-Statement.pdf>

Subject: Backlog of Naturalization Applications and the Oath of Allegiance During the Pandemic

On September 11, 2020, the Commission wrote to urge the U.S. Citizenship and Immigration Services to take all appropriate steps to address the significant backlog of naturalization applications from lawful residents, and to adjust the requirements of the Oath of Allegiance to allow for the remote administration of both naturalization ceremonies as well as interviews for citizenship applications amid the COVID-19 pandemic. The backlog of citizenship applications slows down the naturalization process, which is likely to be disappointing to those applicants looking forward to voting in the upcoming election.

The letter is available at the following website:

<https://www.usccr.gov/files/2020-09-11-USCCR-Letter-to-USCIS.pdf>

Transmittal of State Advisory Committee Memorandums and Reports

The Commission issued transmittal letters to individuals or organizations that could implement the recommendations made in State Advisory Committee memorandums and reports. The Commission requested that each recipient review the memorandum or report and take the steps necessary to protect civil rights in their jurisdiction.

Objective 3: The Commission’s Advisory Committees as a group will hold briefings and meetings on civil rights concerns in their jurisdiction and issue publications on their concerns, providing recommendation for action on those issues.

The Commission plans to achieve this objective by using the following strategies: 1) the Commission will maintain all 51 Advisory Committees; and 2) the Commission’s Advisory Committees will assess the state of civil rights, or a particular civil rights issue, in their jurisdiction.

Strategy A.3.1 - The Commission will maintain all 51 Advisory Committees.	FY 2020 Target	FY 2020 Results
A.3.1.1 - The Commission will ensure that each Advisory Committee is promptly appointed after expiration.	90% currently appointed Advisory Committees	Met

Performance Measure A.3.1.1

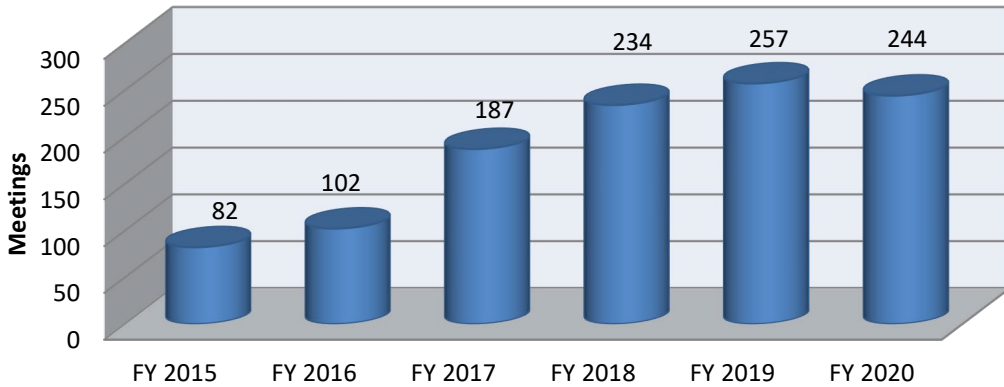
The Commission’s State Advisory Committees operate in compliance with the Federal Advisory Committee Act (FACA). FACA requires that agencies file federal advisory committee charters every two years. The charter for all advisory committees is current. Commissioners appoint members to advisory committees based on the Staff Director’s recommendations. Currently all 51 State Advisory Committees have appointed members.

Strategy A.3.2 - The Commission’s Advisory Committees will assess the state of civil rights, or a particular civil rights issue, in their jurisdiction.	FY 2020 Target	FY 2020 Results
A.3.2.1 - Advisory Committees will develop proposals and investigative plans to conduct investigations into civil rights issues of significance in their jurisdiction.	Ten meetings	Met
A.3.2.2 - Advisory Committees will hold briefings, public forums, or another mechanism.	Five briefings or hearings	Met
A.3.2.3 - Advisory Committees will publish reports, statements, memoranda, or other publications to provide policy recommendations to the Commission.	Five publications	Met

Performance Measure A.3.2.1

State Advisory Committees develop proposals and investigative plans to conduct investigations into civil rights issues of significance in their jurisdiction. During FY 2020, SACs held 244 planning meetings. In FY 2019, the SACs held 257 planning meetings.

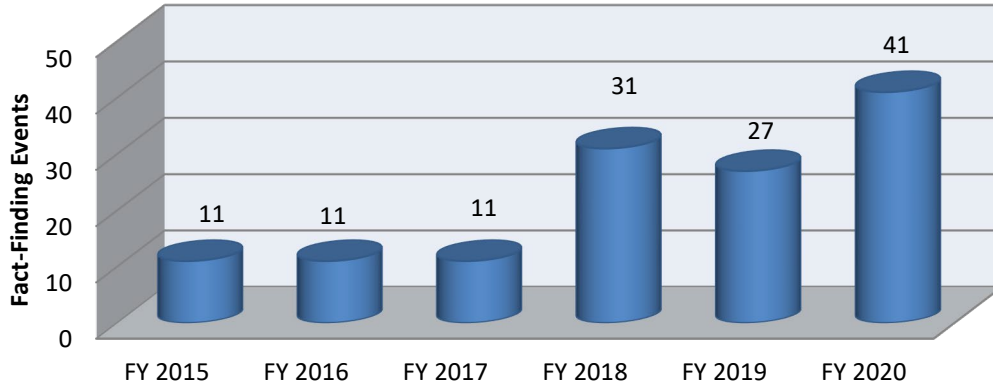
Regional Office Planning Meetings



Performance Measure A.3.2.2

State Advisory Committees held briefings and meetings to conduct investigations into civil rights issues. During FY 2020, SACs held 41 fact-finding events. In FY 2019, the SACs held 27 fact-finding events.

Regional Office Fact-Finding Events



Performance Measure A.3.2.3

State Advisory Committees, with the support of regional staff, publish reports, statements, and memoranda. In FY 2020, SACs published 35 reports, statements, and memoranda.

State Advisory Committees published the following reports, memoranda, and statements:

Vermont Advisory Committee Concerned by Proposed Rule by the Housing and Urban Development Department

On October 18, 2019, the Vermont Advisory Committee to the U.S. Commission on Civil Rights issued a statement on its concern about the recent the Housing and Urban Development (HUD) proposed rule to amend the disparate impact standard. On August 19, 2019, HUD posted notice it would revise the disparate impact rule, which would replace the current standard with a more complex burden shifting framework that would first require a plaintiff to allege that the policy or practice has a systemic discriminatory effect and then further identify five elements about the practice and its effects if the defendant successfully rebuts the plaintiff's prima facie claim. This would likely make it harder for people to bring forward discrimination complaints under the Fair Housing Act, thereby fundamentally reshaping federal fair housing enforcement.

The report, memorandum or statement is available at the following website:
<https://www.usccr.gov/pubs/2019/10-18-Vermont-SAC-Housing-Statement.pdf>

Human Trafficking in Massachusetts

On April 26, 2019, the Massachusetts Advisory Committee to the U.S. Commission on Civil Rights (SAC) convened a public briefing to hear testimony on human trafficking. The resulting report recommends that the Attorney General's office and other state officials, including legislators, start implementing the policy ideas outlined by the 2014 Labor Subcommittee. Public health professionals should be enlisted in the efforts to identify and treat victims. Providing victim services, including shelters and legal assistance, and facilitating access to T and U visas are priorities. Although assisting individual victims is essential, it is reactive and limited in scope. The system should not expect many abused workers to come forward, especially when mistrust of law enforcement and fears of deportation are high. State and municipal inspectors across the Commonwealth should be trained to identify and focus on the conditions of servitude. Uncovering and reducing labor trafficking requires more aggressive, informed monitoring of abusive workplaces, and the employment agencies that help staff them.

The report, memorandum or statement is available at the following website:
<https://www.usccr.gov/pubs/2019/11-06-MA-SAC-Human-Trafficking-Report.pdf>

Interaction Between Individuals with Mental Health Issues and the Criminal Justice System in West Virginia

On August 14, 2015, the West Virginia Advisory Committee to the U.S. Commission on Civil Rights (SAC) convened a public briefing to examine the interaction between individuals with mental health issues and the criminal justice system. The experts were grouped on four panels, each focusing on a different facet of this complex, multi-faceted problem. The 2013-2015 WV Advisory Committee members' appointments expired before they submitted a report about the examination of their civil rights topic to the Commission. The current WV Advisory Committee members (2015-2019) submit this Advisory Memorandum to the Commission summarizing the testimony. The following five themes emerged from the hearing (1) The criminal justice system is not an adequate vehicle for providing services to incarcerated individuals who present with mental health issues, (2) Mental health courts have proven significant in reducing recidivism rates, (3) Increased and continued training and education of law enforcement agents, focusing on how to handle situations involving mentally ill individuals, would be beneficial because it would ultimately reduce police encounters with these individuals, (4) Treatment for substance abuse must also address mental health issues, although the Criminal Justice System should not conflate treatment for one as treatment for both, and (5) Community-based care is a necessary addition to West Virginia's approach to treating incarcerated individuals with

mental health issues because such care can alleviate the burden placed on the criminal justice system.

The report, memorandum or statement is available at the following website:
<https://www.usccr.gov/pubs/2019/11-14-WV-SAC-Mental-Health-Criminal-Justice-Report.pdf>

Disparities in School Discipline in Maryland

On August 24, 2018, the Maryland Advisory Committee to the U.S. Commission on Civil Rights (SAC) held a public briefing to examine the disproportionate use of discipline for students with disabilities and students of color in Maryland public schools. The resulting report identified two primary avenues for reducing the disproportionate use of exclusionary discipline for African American students and students with disabilities in Maryland. One avenue is to create more specific policies concerning the imposition of exclusionary discipline, as the current state guidelines allow a broad range of responses and have had limited impact on reducing disproportionate discipline. Another avenue is to expand the use of preventative approaches designed to reduce the incidence of student behaviors that result in discipline—such as Positive Behavioral Interventions and Support (PBIS), multi-tiered systems of support (MTSS), and restorative justice practices. These strategies are not new to Maryland, but they have not been implemented as widely as they should be.

The report, memorandum or statement is available at the following website:
<https://www.usccr.gov/pubs/2020/01-14-MD-SAC-School-Discipline-Report.pdf>

Legal Financial Obligations in the Tennessee Criminal Justice System

On March 27, 2019, the Tennessee Advisory Committee to the U.S. Commission on Civil Rights (SAC) held a public hearing to on financial obligations in Tennessee’s criminal justice system, and the issuance of its May 2019 preliminary memorandum on the topic. In the report, the Committee finds that based on its examination, the policies and practices governing criminal fines and fees, taxes, surcharges and other costs imposed on individuals at every stage of the criminal process systems (collectively, legal financial obligations or LFOs), are not aligned with the important policy goals in Tennessee of promoting the successful reentry of individuals into our communities and ensuring the fair and equitable system of justice. The Committee’s key recommendation is that lawmakers consider ending outright the current practice of using LFOs to fund the criminal justice system.

The report, memorandum or statement is available at the following website:
<https://www.usccr.gov/pubs/2020/01-15-TN-LFO-Report.pdf>

Implicit Bias and Policing in Communities of Color in Delaware

On November 1, 2017, the Delaware Advisory Committee to the U.S. Commission on Civil Rights (SAC) held a public briefing to on better understand the issues and challenges involved in community-police relations in communities of color, the Committee gathered input from a broad range of stakeholders, including neighborhood leaders, police officers, government officials, academics, and civil rights advocates, and more. The Committee invited 21 subject matter experts. In addition, during the Public Comments portion of the agenda, members of the public made brief statements to the Committee immediately after the panel presentations concluded. The report provides the results of Committee's review including findings and recommendations intended to encourage stakeholders to make important adjustments to police procedures that require greater collaboration and communication than have been found in most cities across the U.S.

The report, memorandum or statement is available at the following website:
<https://www.usccr.gov/pubs/2020/01-22-DE-Implicit-Bias-Policing-Report.pdf>

Education Equity in New York: A Forgotten Dream

On June 12 and 13, 2019, the New York Advisory Committee to the U.S. Commission on Civil Rights (SAC) held two days of public briefings to determine whether the State's approach to educational financing has a discriminatory effect on students on the basis of race or otherwise. In the report, the Committee states the New York State's educational funding system is in urgent need of an infusion of money and focus. Substantially increasing funding to high-need districts benefits not just the deprived students but all of society and its taxpayers as the ultimate effects of a more educated citizenry is reduced spending on social safety-net programs and the criminal justice system. The report makes ten recommendations.

The report, memorandum or statement is available at the following website:
<https://www.usccr.gov/pubs/2020/02-10-Education-Equity-in-New%20York.pdf>

School Discipline Disparities in Vermont

On May 20, 2019, the Vermont Advisory Committee to the U.S. Commission on Civil Rights (SAC) held a public briefings to gather information from government officials, school administrators, education specialists, law enforcement officials, and community advocates on discipline disparities in the Vermont school system and possible solutions. It is the hope of the Committee that this report serves as a step towards attaining the goal of giving all students a nurturing, welcoming, and safe educational environment. The report identifies the following five findings: (1) Vermont has disparities in school discipline, (2)

There is no long-term continuous plan for addressing implicit bias in the state, (3) Zero-tolerance policies are still being utilized in districts across Vermont, (4) There is inadequate data collection and dissemination across Vermont, (5) Students are being informally excluded from school, and (6) There is insufficient training regarding cultural competency and emotional disturbance.

The report, memorandum or statement is available at the following website:

<https://www.usccr.gov/pubs/2020/02-19-VT-SAC-School-Disparities.pdf>

Civil Rights, Prisons, and Mental Health in Nebraska

On June 13, 2019, the Nebraska Advisory Committee to the U.S. Commission on Civil Rights (SAC) held a public briefing to hear testimony on civil rights and prison conditions for individuals with mental health conditions in the state. The resulting report details civil rights concerns related to prison conditions in the state for individuals with mental health conditions. Primary concerns include overcrowding at Nebraska detention centers that have detrimental impacts on inmates' well-being, staffing shortages to diagnose and address the needs of inmates with mental health conditions, the lack of rehabilitative programming offered to inmates eligible for parole, and the discretionary use of solitary confinement and five-point restraints on incarcerated individuals with mental health conditions. The report provides recommendations for addressing prison conditions for individuals with mental health conditions and the use of solitary confinement.

The report, memorandum or statement is available at the following website:

<https://www.usccr.gov/pubs/2020/03-16-NE-SAC-Report-Prisons-and-mental-health.pdf>

Education Funding and Civil Rights in Ohio

On September 14, 2018 and April 16, 2019, the Ohio Advisory Committee to the U.S. Commission on Civil Rights (SAC) held public briefings on civil rights and education funding in the state. The Ohio Advisory Committee heard testimony that the State's allocation of education funding resources is insufficient to meet the state's constitutional requirement to provide a "thorough and efficient" system of common schools. Additionally, this inadequacy may create and/or exacerbate disparities in educational access and outcomes on the basis of several federally protected categories, including race, color, national origin, and/or disability status. The report begins with a brief background of the issue to be considered by the Committee. It then presents an overview of the testimony received. Finally, it identifies primary findings as they emerged from this testimony, as well as recommendations for addressing related civil rights concerns.

The report, memorandum or statement is available at the following website:
<https://www.usccr.gov/pubs/2020/03-16-Ohio-School-Funding-Report.pdf>

Mass Incarceration & Civil Rights in Arkansas

On April 23, 2019, March 25, 2019, and September 7, 2018, the Arkansas Advisory Committee to the U.S. Commission on Civil Rights (SAC) held briefings on disparities, bias, juvenile justice, and post-release services. The Committee sought to examine whether incarceration rates in Arkansas raise disparate-impact concerns on the basis of race, color, disability status, national origin, and/or sex. Elements of interest include the state's growing prison population, identified as one of the fastest growing in the country, and the disproportionately high incarceration rate of people of color relative to their representation in the general population. The resulting report provides the results of Committee's review including findings and recommendations intended to address mass incarceration and civil rights, issues of national importance.

The report, memorandum or statement is available at the following website
<https://www.usccr.gov/pubs/2020/04-14-AR-Mass-Incarceration-Report.pdf>

Voting Rights and Access in Michigan

On April 30, 2019, the Michigan Advisory Committee to the U.S. Commission on Civil Rights (SAC) held a briefing to examine several subtopics within voting rights, including access to voter registration and automatic voter registration, redistricting, poll worker training, language access, access to polling locations, and election administration. This report also addresses challenges to voting facing incarcerated and formerly incarcerated people, voters with limited-English proficiency, voters with disabilities, and voters who are transgender and gender-nonconforming.

The report, memorandum or statement is available at the following website:
<https://www.usccr.gov/pubs/2020/04-20-MI-SAC-Report-Voting-Rights.pdf>

Oklahoma Study of Changes to Affirmative Action in Public Education

On April 21, 2020, the Oklahoma Advisory Committee to the U.S. Commission on Civil Rights issued a statement on changes to affirmative action in public education. The Committee examined Oklahoma State's 2012 constitutional amendment prohibiting affirmative action in public hiring, contracting, and education enrollment. Specifically, the Committee sought to investigate this law's impact, if any, on disparities based on race, color, sex, ethnicity, or national origin in public institutions of higher learning. The

Committee finds that there is insufficient substantive analysis on the effects of this amendment and is concluding the project with this statement to the Commission. The Committee recommends that the Commission encourage public colleges and universities and the State of Oklahoma to collect more data and further study the potential effects of this constitutional amendment.

The report, memorandum or statement is available at the following website:

<https://www.usccr.gov/pubs/2020/04-21-OK-SAC-Statement-on-Affirmative-Action.pdf>

Connecticut Concerned by COVID-19 in State Correctional Facilities

On April 16, 2020, the Connecticut Advisory Committee to the U.S. Commission on Civil Rights issued a statement on the potential impact of the COVID-19 on the men and women in Connecticut's correctional system and encourages immediate action be taken to prevent the spread of this deadly disease. The Committee recommends to the Commission that the state of Connecticut expeditiously evaluate the potential release or furlough of incarcerated people in the following specific categories: Individuals who (1) are being held pre-trial, (2) are set to be released within six months, (3) have been reincarcerated after minor violations of parole or probation, (4) are over 60 years of age, or (5) are suffering from a pre-existing condition as outlined by the CDC that heightens their risk of death from COVID-19. In conducting its evaluation the State should consider the incarcerated person's (1) vulnerability, (2) risk to the community, (3) ability to obtain food, medicine, housing and other necessities if released or furloughed with the assistance of state or nonprofit organizations, and (4) negative test for COVID-19.

The report, memorandum or statement is available at the following website:

<https://www.usccr.gov/pubs/2020/04-29-CT-SAC-Statement-of-Concern-on-Incarcerated%20People-and-COVID-19.pdf>

COVID-19 and Incarcerated Persons in the Massachusetts Commonwealth

On April 16, 2020, the Massachusetts Advisory Committee to the U.S. Commission on Civil Rights issued a statement on recent developments regarding the status of incarcerated persons in the Commonwealth of Massachusetts. The Committee believes that to better address the looming crisis in correctional facilities, state officials should establish a clear, concise and transparent process for the timely release, absent demonstrable evidence that their release would endanger the public, of those who are: (1) juveniles; (2) have filed a Rule 30 motion for a new trial or whose case is pending on appeal and have filed a motion for a stay of execution of sentence; (3) eligible for parole; (4) set to be released within six months; (5) reincarcerated after violations of parole or probation that did not involve a new

offense; (6) over sixty years of age; (7) suffering from a preexisting condition that heightens their risk of death from the virus; (8) eligible for medical parole; or (9) other persons that officials deem would not represent a danger to the community.

The report, memorandum or statement is available at the following website:

<https://www.usccr.gov/pubs/2020/05-04-MA-SAC-Statement-of-Concern.pdf>

Subminimum Wages for Persons with Disabilities in Arizona Under Section 14(c) of the Fair Labor Standards Act

On October 18, 2019, the Arizona Advisory Committee to the U.S. Commission on Civil Rights (SAC) held a briefing to examine subminimum wages. The report includes a summary of testimony detailing civil rights concerns associated with subminimum wages for disabled people in Arizona. Specifically, the report documents civil rights concerns raised by panelists with respect to subminimum wages for disabled people throughout the state of Arizona and discusses possible strategies for improving the opportunities available to disabled workers. Based on the findings of this summary, the Committee will ultimately offer to the Commission recommendations for addressing this issue in Arizona.

The report, memorandum or statement is available at the following website:

<https://www.usccr.gov/pubs/2020/05-28-AZ-Subminimum-Wages-LSR.pdf>

Detention of Immigrants in the Massachusetts During the COVID-19 Crisis

On April 30, 2020, the Massachusetts Advisory Committee to the U.S. Commission on Civil Rights issued a statement on the detention of immigrants in the Commonwealth of Massachusetts during the COVID-19 crisis. The Committee agrees and calls on the Commission to urge the Immigration and Custom Enforcement to establish a fair and transparent process aimed at releasing detainees found to pose no public safety risk. It is important to note, in Massachusetts, ICE has the burden of proving that detention is necessary to secure appearance at immigration court hearings or ensure the safety of the community, according to a recent U.S. District Court ruling. The Committee also recommends the Commission call on Governor Baker to take immediate and direct steps to reduce occupancy in the Commonwealth's jails and correctional facilities by exercising his licensing authority as recommended by the Supreme Judicial Court (SJC).

The report, memorandum or statement is available at the following website:

<https://www.usccr.gov/pubs/2020/06-05-MA-SAC-Detention-Facilities-Statement-of-Concern.pdf>

Minnesota Police Reform based on 2018 Report on Police Practices

On June 8, 2020, the Minnesota Advisory Committee to the U.S. Commission on Civil Rights issued a statement urging police reform based on 2018 Report on Police Practices. In 2018, the Minnesota Advisory Committee published a report titled Civil Rights and Policing Practices in Minnesota. That report, based on research and testimony from stakeholders, included a recommendation that all police officers in Minnesota receive comprehensive training in use-of-force and in de-escalation techniques. With this statement the Minnesota Advisory Committee makes a recommendation to the Commission to appeal to all police departments in the State of Minnesota: rid your departments of bad cops and create a culture within your department that makes it clear, without equivocation, that to stand by and witness a fellow-officer harm or kill a person is not merely unacceptable – it is criminal.

The report, memorandum or statement is available at the following website:

<https://www.usccr.gov/pubs/2020/06-10-MN-SAC-Statement-LSR.pdf>

Racial Justice in Tennessee

On June 12, 2020, the Tennessee Advisory Committee to the U.S. Commission on Civil Rights issued a statement racial justice. Part of the Statement reads, “The Committee is deeply saddened by the deaths of Mr. George Floyd, Ms. Breonna Taylor, Mr. Ahmaud Arbery and so many others throughout our country and here in Tennessee who have been the victims of racial injustice and police brutality. We extend our heartfelt condolences to their families and grieve for their loss. We mourn these precious lives taken before their time. Like others around the country and the world, we are appalled by the cruelty, injustice and despair surrounding the circumstances of their deaths. In honor of Mr. Floyd, Ms. Taylor, Mr. Arbery and countless others, we stand steadfastly with Tennesseans in pursuing our work and in contributing as best we can to bend the arc of history towards a better future for us all.”

The report, memorandum or statement is available at the following website:

<https://www.usccr.gov/files/2020-06-12-TN-SAC-Statement.pdf>

Prosecutorial Discretion and Civil Rights in Mississippi

On April 19, 2019 and May 23, 2019, the Mississippi Advisory Committee to the U.S. Commission on Civil Rights (SAC) held briefings to examine civil rights impact of prosecutorial discretion. When the Mississippi Advisory Committee selected prosecutorial discretion as a subject to explore through the lens of civil rights in Mississippi, the national climate was different. Polarized groups in opposing political parties seemed to be on

opposite sides on every issue, especially those related to race and racism. In the wake of Floyd’s murder, protests erupted around the nation and across the globe, many of them taking up the banner of “Black Lives Matter,” and calling for an end to police violence as well as ending the inequities that exist between whites and people of color. The report includes suggestions for how prosecutors in Mississippi might join the effort to alleviate bias and prejudice from our criminal justice system.

The report, memorandum or statement is available at the following website:

<https://www.usccr.gov/files/2020-06-16-Prosecutorial-Discretion-in-Mississippi.pdf>

Voting Rights and Felony Convictions in Washington

On March 20, 2020, the Washington Advisory Committee to the U.S. Commission on Civil Rights (SAC) convened a public meeting to hear testimony regarding voting rights and felony convictions. This advisory memorandum begins with a brief background of the issue to be considered by the Committee. It then presents an overview of the testimony received. Finally, it identifies primary findings as they emerged from this testimony, as well as recommendations for addressing related civil rights concerns. This memo is intended to focus specifically on the voting rights of people with a felony conviction. While other important topics may have surfaced throughout the Committee’s inquiry, those matters that are outside the scope of this specific civil rights mandate and are left for another discussion.

The report, memorandum or statement is available at the following website:

<https://www.usccr.gov/files/2020-06-17-WA-SAC-Advisory-Memorandum-Voting-Rights-and-Felony-Convictions.pdf>

Hate Crimes in Maine

On July 12, 2019, the Maine Advisory Committee to the U.S. Commission on Civil Rights (SAC) held a briefing to learn about the current prevalence of hate crimes in Maine, the structure of hate crime laws within the state, and the effectiveness of current laws to track, report, and combat hate crimes within Maine. This Advisory Memorandum highlights the information the Committee learned at the briefing. The main assertions and themes of the memorandum are (1) underreporting, (2) barriers to reporting, (3) law enforcement training, (4) statutory framework in Maine, (5) LGBTQ community and hate crimes, (6) extremist propaganda on the rise, (7) college campuses impacted by hate crimes, and (8) education initiatives.

The report, memorandum or statement is available at the following website:

<https://www.usccr.gov/files/2020-06-18-Maine-Hate-Crimes-Advisory-Memo.pdf>

Barriers to Voting in Alabama

On February 22, 2018, the Alabama Advisory Committee to the U.S. Commission on Civil Rights (SAC) held a briefing to examine barriers to voting which may have a discriminatory impact on voters based on race, color, disability status, national origin, and/or the administration of justice. The Committee heard testimony from academics, policy makers, community groups, and civil society actors. The Committee also held numerous working group sessions and did extensive research. The resulting report documents civil rights concerns with respect to barriers to voting throughout the state of Alabama and discusses possible strategies for improving voter access in Alabama. This report presents both an overview of current voting regulation in Alabama and offers specific recommendations to help policymakers better ensure that the voting rights of all of the residents of Alabama are appropriately protected.

The report, memorandum or statement is available at the following website:
<https://www.usccr.gov/files/2020-07-02-Barriers-to-Voting-in-Alabama.pdf>

Statement of Maryland Advisory Committee on Police Killings

On July 7, 2020, the Maryland Advisory Committee to the U.S. Commission on Civil Rights issued a statement condemning the killings of Black people by the police. These killings have shocked the nation and spawned nationwide protests. Maryland has experienced the same type of lethal police abuses towards unarmed Black victims. Five years ago, there were weeks of protests in the city of Baltimore after the killing of Freddie Gray. Earlier this year, William Green was shot seven times while handcuffed in a police car. While reforming police practices may be necessary, it is not sufficient. The advisory committee recommends the Commission encourage the State to recognize the need to address systemic racism affecting all communities of color.

The report, memorandum or statement is available at the following website:
<https://www.usccr.gov/files/2020-07-16-MD-SAC-Statement-of-Concern.pdf>

United Support and Continued Commitment to Civil Rights In South Carolina After Police Killings

On June 26, 2020, the South Carolina Advisory Committee to the U.S. Commission on Civil Rights issued a statement to reaffirm and state its united support and continued commitment to investigate the deprivation of the civil rights of all South Carolinians regardless of race, color, religion, sex, age, disability, or national origin and restate our dedication to the ideal of equal justice for all. The Committee members committed themselves and their committee to work with all lawmakers, government officials,

community organizations, law enforcement, South Carolina’s justice system and most importantly, its citizens to further our state’s commitment to the U.S. Constitution and the Amendments thereto, the South Carolina Constitution, and the vital concepts of the rule of law, due process and justice for all.

The report, memorandum or statement is available at the following website:

<https://www.usccr.gov/files/2020-07-20-SC-Statement-of-United-Support.pdf>

Colorado Statement on Naturalization Backlog by Modifying Oath and Allegiance Ceremonies During COVID-19

On July 7, 2020, the Colorado Carolina Advisory Committee to the U.S. Commission on Civil Rights issued a statement to inform the U.S. Commission on Civil Rights about the potential impact of COVID-19 on the backlog in citizenship and naturalization applications that may impede voting rights in the 2020 election. In order to comply with national health guidelines, the U.S. Citizenship and Immigration Service (USCIS) field offices closed for three months and have reduced the number of individuals permitted to attend Oath of Allegiance Ceremonies to a fraction of the pre-pandemic capacity. Consequently, hundreds of thousands of otherwise eligible permanent residents may not naturalize in time to vote in the November 2020 election. This is a serious impediment to the exercise of voting rights. Therefore, the Colorado Advisory Committee encourages the Commission to urge the USCIS to make accommodations for the Oath of Allegiance ceremonies to expedite the naturalization processing.

The report, memorandum or statement is available at the following website:

<https://www.usccr.gov/files/2020-07-22-CO-SAC-Statement-on-Naturalization-Backlog-and-COVID.pdf>

Indiana Statement on the Adoption of No-Excuse Absentee Voting in Upcoming Election

On July 15, 2020, the Indiana Advisory Committee to the U.S. Commission on Civil Rights issued a statement as an addendum to its Advisory Memorandum on Voting Rights in Indiana issued in May 2018. In that Advisory Memorandum, the committee recommended, among other things, that absentee voting be expanded to allow all registered voters to vote by mail if they choose. The current public health crisis facing Indiana makes this recommendation all the more urgent, because the coronavirus pandemic means that voting in person could present a serious health risk to some. All registered voters deserve to be able to cast their ballot safely, but the dangers posed by the coronavirus do not affect all voters equally. Evidence shows that there are greater risks associated for some citizens based on their age, race and ethnicity, or disability. This raises troubling civil rights

implications regarding the administration of Indiana elections, and it could affect the composition of the electorate in ways that distort the expressed will of the people.

The report, memorandum or statement is available at the following website:

<https://www.usccr.gov/files/2020-07-22-Indiana-SAC-statement-on-voting-rights.pdf>

Examining Hate Crime in Wyoming

On August 29, 2018 and November 1, 2019, the Wyoming Advisory Committee to the U.S. Commission on Civil Rights (SAC) held two public meetings to examine hate crimes in Wyoming. The Committee invited a range of stakeholders who provided testimony on hate crime reporting, the prevalence of bias-motivated incidents, the need for hate crime legislation and other alternative solutions for addressing hate crime. This report begins with background on relevant federal hate crime laws and state protections. The themes of the testimony include: underreporting of hate crimes, the need for training of law enforcement to address hate crimes, hate crime and its impact on the Native American community, the prevalence of bias-motivated incidents and hate crime, the impact of Wyoming's current protections for its citizens, and alternative solutions given the history of attempts to pass hate crime legislation. The report concludes with findings and recommendations to the Commission to forward to appropriate federal and state entities and additional considerations for school districts.

The report, memorandum or statement is available at the following website:

<https://www.usccr.gov/files/2020-07-23-WY-SAC-Hate-Crimes-Report.pdf>

Civil Rights and Gender Wage Gap in Utah

On October 3, 2019, the Utah Advisory Committee to the U.S. Commission on Civil Rights (SAC) held a public briefing to examine the factors that may cause or contribute to the gender wage gap; the impact of the wage gap on individuals on the basis of sex and race; and the impact of federal and state level enforcement efforts aimed to address pay inequity. This report details concerns about the gender wage gap among women and women of color. Primary concerns include factors that likely contribute to the wage gap such as implicit bias, impact of pay secrecy policies, the lack of family leave policies, and occupational segregation. Additionally, women of color experience a larger gender wage gap in comparison with their white counterparts and disproportionately occupy low-wage and part-time occupations. Finally, testimony indicated concerns with federal and state enforcement efforts to address pay inequity because, so few complaints ruled in favor of employees. The Committee offers the Commission recommendations for addressing short-term and

long-term issues concerning gender inequality and provides additional considerations for employers and the religious community.

The report, memorandum or statement is available at the following website:

<https://www.usccr.gov/files/2020-07-28-UT-SAC-Gender-Wage-Gap-Report.pdf>

Condemning Racism in the Criminal Justice System and Committing to Continue to Examine Racial Disparities in Connecticut Policing

On July 20, 2020, the Connecticut Advisory Committee to the U.S. Commission on Civil Rights issued a statement adding their voices to the growing chorus of Commission Advisory Committees affirming the fundamental right of all people to be free from all forms of racism and racial bias in their interactions with the criminal justice system. It states in part, “This issue has come into national focus recently because of the widely reported tragic deaths of several Black people at the hands of police officers during the COVID-19 crisis. Sadly, fatal police interactions are nothing new to communities of color in Connecticut. And they are just one particularly tragic example of the scourge of racial disparities in interactions with the criminal justice system that this Committee has investigated in recent years. The Committee is united against all forms of prejudice and bigotry, and it will continue to advocate for transformation of the systems that perpetuate and enforce systemic racism.”

The report, memorandum or statement is available at the following website:

<https://www.usccr.gov/files/2020-07-30-CT-SAC-Statement-on-Racial-Disparities-in-Criminal-Justice.pdf>

Police Violence Against Black Americans in Oregon

On July 23, 2020, the Oregon Advisory Committee to the U.S. Commission on Civil Rights issued a statement in the wake of police violence against black Americans. The stated in part, “The Committee mourns with the families whose loved ones have died at the hands of police violence, followed by further violence against those who protest the killings. These recent killings are only compounded by the tens of thousands of deaths in the Black community due to structural racism and the disproportionate impact of COVID-19. It is beyond time to stand up for Black lives and for justice. Black Americans are disproportionately affected by police violence across the United States. The Committee calls for swift, full, and impartial justice for victims of police violence including George Floyd, Breonna Taylor, Tony McDade, and Elijah McClain, and the immediate arrest of all of the officers involved in their murders and demand that these officers be held accountable.”

The report, memorandum or statement is available at the following website:
<https://www.usccr.gov/files/2020-08-11-OR-SAC-Statement-of-Concern.pdf>

Mental Health, Mental Health Courts, and the Criminal Legal System in the District of Columbia

On November 7, 2019, the District of Columbia Advisory Committee to the U.S. Commission on Civil Rights (SAC) held a public hearing to consider the intersection of mental health and criminal justice and to evaluate the effectiveness of the District of Columbia Superior Court Mental Health Community Court (DCMHCC), one of several diversion programs provided by the D.C. court system. The Committee heard from the following mental health court experts, which included academics and practitioners, and D.C. stakeholders. The report provides five recommendations to the Commission: (1) Encourage the continued funding and operation of the DCMHCC and suggest that the DCMHCC or an interested academic institution create a long-term tracking system for participants in the DCMHCC, (2) Urge the U.S. Attorney's Office to consult with prosecutors in other districts regarding their experiences with mental health courts and review the eligibility criteria annually to determine whether to expand the eligibility for participation in the DCMHCC program, (3) Encourage, to the extent possible, community-based care programs to promote long-term goals of providing housing, education, counseling, and employment services to those with serious mental illness, including individuals who have recently been released from, or otherwise involved in, the criminal Justice system. (4) Urge the DCMHCC, in consultation with the Department of Behavioral Health (DBH), to devise standards, to the extent possible, for assessing the quality of care provided by service providers for DCMHCC participants and develop schedules for conducting such assessments, and (5) Urge the DCMHCC to examine the standards it uses, comparing them with the "essential" standards recommended for use by the Council of State Governments and specifically assessing, preferably in a written report, any discrepancies.

The report, memorandum or statement is available at the following website:
<https://www.usccr.gov/files/2020-09-21-Mental-Health-in-DC.pdf>

Safe and Secure Election Administration in Alaska During the COVID-19 Pandemic

On September 4, 2020, the Alaska Advisory Committee to the U.S. Commission on Civil Rights issued a statement on the safe and secure election administration during the COVID-19 Pandemic. The Committee recommends to the Commission that offer the following advice to the Alaska Division of Elections: (1) Evaluate ways to accommodate voters and count the votes of those who cannot secure a signature, including but not limited to waiving

the witness signature requirement for mail-in ballots and (2) continue advocating to retain the option to have in-person voting locations especially in rural Alaska at which they direct appropriate physical distancing and sanitizing measures. (3) Similarly, it is not clear to what extent Alaska enforces a signature match requirement for voters submitting absentee ballots as there are some indications it is uneven in enforcement, but to the extent they do, the Committee recommends this also be waived for the general election.

The report, memorandum or statement is available at the following website:

<https://www.usccr.gov/files/2020-09-22-AK-SAC-Statement-on-COVID-19-and-Voting-Rights.pdf>

Nursing Homes in Connecticut

On July 13, 2020 and July 20, 2020, the Connecticut Advisory Committee to the U.S. Commission on Civil Rights (SAC) held virtual briefings to examine how the COVID-19 pandemic has impacted the senior populations in Connecticut's assisted care facilities/nursing homes. The memorandum summarizes the Committee concerns. Seniors in Connecticut and throughout the nation face alarming infection and mortality rates from COVID19. Nursing homes and assisted living facilities in Connecticut have been hit particularly hard by this pandemic. And there is disturbing evidence that COVID-19 is having a disparate impact on nursing home populations of color. Moreover, in addition to the tragedy of illness and death, nursing home residents and their families are facing personal hardships and struggles as unintended consequences from efforts to prevent the spread of COVID-19 within nursing facilities.

The report, memorandum or statement is available at the following website:

<https://www.usccr.gov/files/2020-09-29-Connecticut-Nursing-Homes-and-Covid-19-Advisory-Memorandum.pdf>

Strategic Goal B: The Commission will serve as a national clearinghouse to inform and raise awareness on civil rights issues amongst the general public.

This fiscal year we met 67 percent of Strategic Goal B performance targets. To achieve this goal, the Commission established objectives, developed strategies, and set performance targets.

Objective 1: The Commission will keep the public apprised of historical and current civil rights issues.

The Commission plans to achieve this objective by using the following strategy: the Commission will routinely host public speakers to share their experience and expertise on historical and current civil rights issues.

Strategy B.1.1 - The Commission will routinely host public speakers to share their experience and expertise on historical and current civil rights issues.	FY 2020 Target	FY 2020 Results
B.1.1.1 - Holding Speaker Series sessions in conjunction with business meetings	Three Speaker Series' sessions	Not Met

Performance Measure B.1.1.1

During its regularly scheduled business meetings, the Commission generally holds a Speaker Series where scholars and other experts present information about important civil rights events, history, or topics. These presentations help educate and inform the Commissioners, staff, and the public about current and historic civil rights issues and events. In FY 2020, the Commission was unable to hold the speaker series due to the Coronavirus pandemic.

Objective 2: The Commission will keep the public apprised of its activities, including the State Advisory Committees' investigatory and fact-finding activities.

The Commission plans to achieve this objective by using the following strategies: 1) expand press outreach; 2) increase access to Commission briefings, hearings, and business meetings; and 3) inform the Advisory Committees of activities by headquarters and of other Advisory Committees in different regions.

Strategy B.2.1 - Expand press outreach	FY 2020 Target	FY 2020 Results
B.2.1.1 - The Commission will regularly publicize Commission and Advisory Committee briefings and other events.	10 Press releases or media posts	Met
B.2.1.2 - The Commission will regularly publicize the release of reports or other publications by the Commission and its Advisory Committees.	10 Press releases or media posts	Met

Performance Measure B.2.1.1

The Commission regularly publicizes Commission and Advisory Committee briefings and other events through press releases, media advisories, information flyers, and website updates. During FY 2020, the Commission issued 35 press releases or media posts publicizing Commission and Advisory Committee briefings and other events.

Performance Measure B.2.1.2

The Commission regularly publicizes the release of reports and other publications by the Commission and Advisory Committees through press releases, media advisories, information flyers, and website updates. During FY 2020, The Commission issued 47 press releases or media posts publicizing Commission and Advisory Committee reports or other publications.

Strategy B.2.2 - Increase access to Commission briefings, hearings, and business meetings	FY 2020 Target	FY 2020 Results
B.2.2.1 - The Commission will use technology, including live streaming, phone lines, and social media, to provide immediate public access to its meetings, briefings, publications, and other activities.	2 live streamed events	Met

Performance Measure B.2.2.1

The Commission uses technology to provide the public with access to its meetings, briefings, publications, and other activities. During FY 2020, the Commission live streamed its one in-person business meeting and two briefings. The public can view the video for these events following website: <https://www.youtube.com/user/USCCR>. The Commission also provides a call-in line for individuals who desire to listen to the Commission’s telephonic business meetings. In FY 2020, the Commission held twelve telephonic business meetings. The Commission advises the public of its meetings and briefings through its web page, press releases, Twitter, and Facebook.

Strategy B.2.3 - Inform the Advisory Committees of activities by headquarters and of other Advisory Committees in different regions	FY 2020 Target	FY 2020 Results
B.2.3.1 - Ensure a regular update to Advisory Committees of activities by headquarters as well as the other Advisory Committees	3 newsletter	Not Met

Performance Measure B.2.3.1

Due to staff vacancies and the Coronavirus Pandemic, the Commission did not issue newsletters to its State Advisory Committees.

Objective 3: Elevate the public profile of the Commission as a national authority on civil rights issues

The Commission plans to achieve this objective by using the following strategy: Expand the opportunities for the Chair or other designated spokesperson to speak directly to the public on civil rights issues.

Strategy B.3.1 - Expand the opportunities for the Chair or other designated spokesperson to speak directly to the public on civil rights issues	FY 2020 Target	FY 2020 Results
B.3.1.1 - Ensure that the Chair or other designated spokesperson speaks directly to the public about civil rights	2 speaking engagements with national reach in the fiscal year	Met

Performance Measure B.3.1.1

In Fiscal Year 2020, Chair Lhamon has participated in numerous gatherings around the country with Commission stakeholders including Members of Congress, policy makers, civil rights advocates, academics, and community leaders. Chair Lhamon has communicated the perspective of the Commission on key civil rights issues as well as the Commission’s recent reports, current investigations, and upcoming projects.

In addition to the formal speaking engagements noted below, Chair Lhamon has also met with numerous advocacy groups and leaders to hear their civil rights concerns and share information about the Commission’s work. In addition, Chair Lhamon maintains an email list to communicate with stakeholders about activities of the Commission to share broadly information about Commission events, investigations, and other activities.

Chair Lhamon has also participated in extensive media outreach in order to reach a broader audience with the American public. This includes interviews with national press outlets about the Commission’s work.

The Chair has also communicated directly with the Commission’s State Advisory Committees through email correspondence, phone calls, appearing by video or phone at some Committee meetings, and attending Committee briefings.

SAC Meetings:

- SAC Member Orientation, 3/16/2020
- Oklahoma SAC Meeting, 5/12/2020
- Maine SAC Meeting, 5/14/2020
- Nebraska SAC Meeting, 5/18/2020
- Texas SAC Meeting, 5/19/2020
- Vermont SAC Web Briefing / Report Release, 5/21/2020
- SAC Member Orientation, 5/22/2020
- Minnesota SAC Meeting, 6/5/2020
- SAC Member Orientation, 6/10/2020
- Michigan SAC Meeting, 6/19/2020
- Connecticut SAC Meeting, 6/22/2020
- Georgia SAC Meeting, 6/23/2020
- Alaska SAC Meeting, 7/1/2020
- SAC Member Orientation, 7/28/2020
- Washington SAC Meeting, 8/26/2020

The Chair spoke at the following gatherings, including providing testimony to Congress, as follows:

October 17, 2019: Testimony at Voting Rights and Election Administration in America, before the House Committee on Administration, Subcommittee on Elections

October 24, 2019: Release of Commission report, Trauma at the Border

Vice Chair Timmons Goodson represented on behalf of the Commission as Chair Lhamon was recused from project.

November 13 2019: Release of Commission report, In the Name of Hate

November 19, 2019: Testimony at Reviewing the Broken Promises Report: Examining the Chronic Federal Funding Shortfalls for Native American, before the House Committee on Natural Resources, Subcommittee for Indigenous Peoples

Vice Chair Timmons Goodson testified with Chair Lhamon's proxy.

November 21, 2019: Release of Commission report, Are Rights A Reality?

January 23, 2020: Morning Talk at Harvard Kennedy School

January 23, 2020: Grand Rounds at McLean Hospital

February 12, 2020: Dreyfous Lecture – Civil Rights in the Trump Era

February 26, 2020: Release of Commission report, Seeking Justice Behind Bars

April 1, 2020: Release of Commission report, Federal #MeToo

June 26, 2020: IAOHRA Town Hall – The Human and Civil Rights Agenda in the COVID-19 Era

July 22, 2020: Children’s Equity Project on School Discipline

July 24, 2020: ADA 30th Anniversary Event with Senators Murray and Casey

August 7, 2020: Townhall with Representative Escobar on Hate Crimes

August 10, 2020: CAPAC/CHC/CBC Briefing on Anti-Asian Hate

Commissioner Yaki spoke with Chair Lhamon’s proxy.

September 24, 2020: Testimony at Oversight of the Civil Rights Division of the Department of Justice, before House Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Civil Liberties

September 24, 2020: POLITICO Live Townhall – Confronting Inequality in America: The A, B, Cs of Education Inequalities

Strategic Goal C: The Commission will continue to strengthen the Commission’s financial and operational controls and advance the Commission’s mission through management excellence, efficiency, and accountability.

This fiscal year we met 100 percent of Strategic Goal C performance targets. To achieve this goal, the Commission established objectives, developed strategies, and set performance targets.

Objective 1: The Commission will strengthen its human resources, financial, budget, and performance policy, procedures, and reports.

The Commission plans to achieve this objective by using the following strategies: 1) align the Commission’s budget submissions with the Agency’s strategic plan and annual performance plan; 2) monitor and report on the Commission’s progress in achieving its

annual performance plan goals and objectives; 3) update and implement the Commission’s Human Capital Plan to ensure the agency has a highly skilled and flexible workforce to carry out its mission; and 4) conduct and analyze Employee Satisfaction surveys and develop specific strategies to address issues.

Strategy C.1.1 - Align the Commission’s budget submissions with the Agency’s strategic plan and annual performance plan.	FY 2020 Target	FY 2020 Results
C.1.1.1 - Compliance with OMB Circular A-11.	Budget is compliant with OMB Circular A-11	Met

Performance Measure C.1.1.1

The Commission’s budget submissions were aligned with its strategic plan and annual performance plan and compliant with OMB Circular A-11.

Strategy C.1.2 - Monitor and report on the Commission’s progress in achieving its annual performance plan goals and objectives.	FY 2020 Target	FY 2020 Results
C.1.2.1 - Submit a Performance and Accountability Report that adheres to all relevant guidance.	PAR adheres to relevant guidance.	Met

Performance Measure C.1.2.1

The Commission’s Performance and Accountability Report adheres to all relevant guidance.

Strategy C.1.3 - Update and implement the Commission’s Human Capital Plan to ensure the agency has a highly skilled and flexible workforce to carry out its mission.	FY 2020 Target	FY 2020 Results
C.1.3.1 - Implementation of Commission’s and Office of Personnel Management’s Human Capital Plan program, strategies, and initiatives.	Implement Human Capital Plan	Met

Performance Measure C.1.3.1

The Commission continues to implement its Human Capital Plan.

Strategy C.1.4 - Conduct and analyze Employee Satisfaction surveys and develop specific strategies to address issues.	FY 2020 Target	FY 2020 Results
C.1.4.1 - Results of the Employee Satisfaction surveys	Increase response rate in one or more categories	Met

Performance Measure C.1.4.1

The Federal Employee Viewpoint Survey (FEVS) is a tool that measures employees' perceptions of whether, and to what extent, conditions characterizing successful organizations are present in their agencies. It allows the Commission's employees to share their opinions about what matters most to them, and gives them the opportunity to let their leadership know how they feel about their job, their supervisor, and their agency. Due to the pandemic, the FY 2020 Federal Employee Viewpoint Survey results were not available for performance reporting.

Objective 2: The Commission will improve administrative and clearinghouse services including information technology, acquisition, and library functions.

The Commission plans to achieve this objective by using the following strategies: 1) comply with federal information security requirements, and 2) leverage information technology to enhance the productivity and efficiency of the workforce.

Strategy C.2.1 - Comply with federal information security requirements	FY 2020 Target	FY 2020 Results
C.2.1.1 - Conduct an annual FISMA Audit	FISMA Audit	Met

Performance Measure C.1.2.1

The Commission conducted its annual FISMA Audit.

Strategy C.2.2 - Leverage information technology to enhance the productivity and efficiency of the workforce.	FY 2020 Target	FY 2020 Results
C.2.2.1 - Compliance with OMB Cloud Computing initiatives.	Compliant with Cloud Computer Initiatives	Met

Performance Measure C.2.2.1

The Commission is compliant with OMB Cloud Computing initiatives.

Objective 3: The Commission will improve the efficiency, effectiveness, and accountability of its organization.

The Commission plans to achieve this objective by using the following strategy: improve organization structure and reduce real property inventory.

Strategy C.3.1 - Improve organization structure and reduce real property inventory.	FY 2020 Target	FY 2020 Results
C.3.1.1 - Implement Agency Reform Plan by FY 2020.	Achieve Agency Report Plan milestones as outline in the approve schedule.	Met

Performance Measure C.3.1.1

The Commission is on target with its plan to improve its organization structure and reduce real property inventory.

Other Information Related to Annual Performance Reporting

The Government Performance and Results Act of 1993 requires that the Annual Performance Report include information on program evaluations that are relevant to an agency's efforts to attain its goals and objectives as identified in its Strategic Plan or to performance measures and goals reported at the agency level. There were no program evaluations conducted during the fiscal year that meet the criteria established by OMB's Program Assessment Rating Tool (PART) guidance.

No significant contribution to the preparation of our annual performance report was made by a non-federal entity.

AUDITORS REPORT AND FINANCIAL STATEMENTS

This section demonstrates our commitment to effective stewardship over our funds and compliance with applicable federal financial management laws and regulations. It includes Independent Auditors' Report – an independent opinion on the Financial Statements; Financial Statements and Notes to the Financial Statements; and Required Supplemental Information.

Auditor's Report, Financial Statements & Notes

CCR – 2020 Financial Statement
Audit Contract: CR20-0025

Commission on Civil Rights (CCR)
Fiscal Year 2020 Financial Statement Audit

Final Independent Auditors' Report

Submitted for review and acceptance to:
John Ratcliffe
Contracting Officer's Representative (COR)
Commission on Civil Rights
1331 Pennsylvania Avenue, NW
Washington, DC 20425

Submitted by:
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Final Independent Auditors' Report

Prepared under contract to the Commission on Civil Rights (CCR) to provide financial auditing services

**UNITED STATES COMMISSION ON CIVIL RIGHTS
AUDIT REPORT
SEPTEMBER 30, 2020**



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Independent Auditors' Report

The Honorable Catherine E. Lhamon
Chairperson
United States Commission on Civil Rights:

Report on the Financial Statements

We have audited the accompanying financial statements of the U.S. Commission on Civil Rights (CCR), which comprise the balance sheets as of September 30, 2020 and 2019; the related statements of net cost, changes in net position, and budgetary resources for the fiscal years ended; and the related notes to the financial statements (hereinafter referred to as the financial statements).

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this responsibility includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on the fiscal years 2020 and 2019 financial statements of CCR based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, and the Office of Management and Budget (OMB) Bulletin No. 19-03, *Audit Requirements for Federal Financial Statements*. Those standards and OMB Bulletin No. 19-03 require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion.

An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the U.S. Commission on Civil Rights as of September 30, 2020 and 2019, and its net cost of operations, changes in net position, and budgetary resources for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters*Required Supplementary Information*

The information in the *Message from the Chair, Management Discussion and Analysis* section, and *Other Accompanying Information* section of this report is not a required part of the basic financial statements, but is supplementary information required by accounting principles generally accepted in the United States of America. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of CCR's financial statements. However, we did not audit this information and, accordingly, we express no opinion on it.

Other Reporting Required by Government Auditing Standards*Internal Control over Financial Reporting*

In planning and performing our audit of CCR's financial statements as of and for the year ended September 30, 2020, in accordance with generally accepted government auditing standards, we considered CCR's internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of CCR's internal control over financial reporting. Accordingly, we do not express an opinion on CCR's internal controls over financial reporting. We limited internal control testing to those necessary to achieve the objectives described in OMB Bulletin No. 19-03. We did not test all internal control relevant to operating objectives as broadly defined by the Federal Managers' Financial Integrity Act of 1982.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatement on a timely basis. A material weakness is a deficiency, or combination of deficiencies, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A significant deficiency is a deficiency or a combination of deficiencies, in internal control that is less severe than a material weakness yet important enough to merit the attention by those charged with governance.

Our consideration of internal control over financial reporting was for the limited purpose as described in the first paragraph of this section, and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies and therefore material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our fiscal year 2020 audit we did not identify any deficiencies in internal control over financial reporting that we considered to be a material weakness, as defined above. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters Specific to the Financial Statements

As part of obtaining reasonable assurance about whether CCR's fiscal year 2020 financial statements are free of material misstatements, we performed tests of CCR's compliance with certain provisions of applicable laws, regulations, contracts, and grant agreements, which noncompliance could have a direct and material effect on the determination of material amounts and disclosures in CCR's financial statements, and certain provisions of other laws specified in OMB Bulletin No. 19-03. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion.

The results of our tests of compliance as described in the preceding paragraph disclosed no instances of noncompliance or other matters that are required to be reported herein under *Government Auditing Standards* or OMB Bulletin No. 19-03.

Purpose of the Other Reporting Required by Government Auditing Standards

The purpose of the communication provided in the Other Reporting Required by Government Auditing Standards section is solely to describe the scope of our testing of internal control and compliance with selected provisions of applicable laws, regulations, contracts, and grant agreements, and the results of that testing, and not to provide an opinion on the effectiveness of the CCR's internal control or on compliance. This communication is an integral part of an audit performed in accordance with U.S. generally accepted government auditing standards in considering internal controls and compliance with laws, regulations, contracts, and grant agreements which could have a material effect CCR's financial statements. Accordingly, this communication is not suitable for any other purpose.

Allmond & Company, LLC

Lanham, MD
November 12, 2020

UNITED STATES COMMISSION ON CIVIL RIGHTS

Fiscal Year 2020
Financial Statements



UNITED STATES COMMISSION ON CIVIL RIGHTS

BALANCE SHEET

As of September 30, 2020 and 2019

(Dollars)

	2020	2019
Assets:		
Intragovernmental:		
Fund Balance With Treasury	(Note 2) \$ 2,431,346	\$ 1,756,751
Total Intragovernmental	2,431,346	1,756,751
Assets With The Public:		
Accounts Receivable, net	(Note 3) \$ 1,034	\$ 1,034
General Property, Plant and Equipment, net	(Note 4) 42,515	54,063
Total Assets	\$ 2,474,895	\$ 1,811,848
Liabilities:		
(Note 5)		
Intragovernmental:		
Accounts Payable	\$ 69,963	\$ 51,449
Other:		
Employer Contributions and Payroll Taxes Payable	72,448	55,327
Total Intragovernmental	142,411	106,776
Accounts Payable		
Other:	(Note 6) \$ 106,840	\$ 89,836
Accrued Funded Payroll and Leave	259,003	242,296
Employee Contributions and Payroll Taxes Payable	11,303	8,999
Unfunded Leave	484,969	431,296
Total Liabilities	\$ 1,004,526	\$ 879,203
Net Position:		
Unexpended Appropriations - All Other Funds	\$ 1,911,788	\$ 1,308,843
Cumulative Results of Operations - All Other Funds	(441,419)	(376,199)
Total Net Position	1,470,369	932,644
Total Liabilities and Net Position	\$ 2,474,895	\$ 1,811,848

The accompanying notes are an integral part of these statements.

UNITED STATES COMMISSION ON CIVIL RIGHTS

STATEMENT OF NET COST

For the Years Ended September 30, 2020 and 2019
(Dollars)

	2020	2019
Program Costs:		
Gross Cost	\$ 10,111,776	\$ 10,356,173
Net Program Cost	<u>10,111,776</u>	<u>10,356,173</u>
Net Cost of Operations	<u>\$ 10,111,776</u>	<u>\$ 10,356,173</u>

The accompanying notes are an integral part of these statements.

UNITED STATES COMMISSION ON CIVIL RIGHTS
STATEMENT OF BUDGETARY RESOURCES
For the Years Ended September 30, 2020 and 2019
(Dollars)

	2020	2019
BUDGETARY RESOURCES		
Unobligated Balance from prior year budget authority, net (discretionary and mandatory) (Note 13)	\$ 760,913	\$ 737,551
Appropriations (discretionary and mandatory)	10,500,000	10,065,000
Total budgetary resources	<u><u>\$ 11,260,913</u></u>	<u><u>\$ 10,802,551</u></u>
STATUS OF BUDGETARY RESOURCES		
New obligations and upward adjustments (Note 8)	\$ 10,431,566	\$ 10,033,604
Unobligated balance, end of year: Apportioned, unexpired account	108,609	119,797
Expired unobligated balance, end of year	\$ 720,738	\$ 649,150
Unobligated balance, end of year	<u><u>829,347</u></u>	<u><u>768,947</u></u>
Total budgetary resources	<u><u>\$ 11,260,913</u></u>	<u><u>\$ 10,802,551</u></u>
OUTLAYS, NET		
Outlays, net (total) (discretionary and mandatory)	\$ 9,696,636	\$ 9,919,336
Agency outlays, net (discretionary and mandatory)	<u><u>\$ 9,696,636</u></u>	<u><u>\$ 9,919,336</u></u>

The accompanying notes are an integral part of these statements.

UNITED STATES COMMISSION ON CIVIL RIGHTS
STATEMENT OF CHANGES IN NET POSITION
For the Years Ended September 30, 2020 and 2019
(Dollars)

	2020	2019
Unexpended Appropriations:		
Beginning Balances	\$ 1,308,843	\$ 1,609,763
Budgetary Financing Sources:		
Appropriations received	\$ 10,500,000	\$ 10,065,000
Other adjustments	\$ (128,769)	(444,680)
Appropriations used	\$ (9,768,287)	(9,921,240)
Total Budgetary Financing Sources	<u>\$ 602,944</u>	<u>(300,920)</u>
Total Unexpended Appropriations	<u>\$ 1,911,788</u>	<u>\$ 1,308,843</u>
Cumulative Results of Operations:		
Beginning Balances	\$ (376,199)	\$ (316,912)
Beginning Balances - adjustments	\$ 1	(1)
Beginning Balances, as adjusted	<u>\$ (376,198)</u>	<u>\$ (316,913)</u>
Budgetary Financing Sources:		
Appropriations used	\$ 9,768,287	9,921,240
Other Financing Sources (Non-Exchange):		
Imputed Financing Sources (Note 10)	\$ 278,268	375,647
Total Financing Sources	<u>\$ 10,046,555</u>	<u>10,296,887</u>
Net Cost of Operations	\$ (10,111,776)	(10,356,173)
Net Change	<u>\$ (65,221)</u>	<u>(59,286)</u>
Cumulative Results of Operations	<u>\$ (441,419)</u>	<u>(376,199)</u>
Net Position	<u>\$ 1,470,369</u>	<u>\$ 932,643</u>

The accompanying notes are an integral part of these statements.

U.S. COMMISSION ON CIVIL RIGHTS GENERAL FUND

GENERAL FUND

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A summary of significant accounting policies utilized in the preparation of the financial statements is as follows:

Basis of Presentation

The Commission's financial statements are prepared from the official accounting records and general ledger in conformity with U.S. general accepted accounting principles and follows the presentation guidance established by Office of Management and Budget (OMB) in OMB Circular No. A-136, "Financial-Reporting Requirements", as revised. U.S. GAAP for Federal entities are standards prescribed by the Federal Accounting Standards Advisory Board (FASAB), which has been designated the official accounting standards-setting body for the federal government by the American Institute of Certified Public Accountants (AICPA).

OMB Circular No. A-136 requires agencies to prepare basic statements, which include a balance sheet, statement of net cost, statement of changes in net position and a statement of budgetary resources. The balance sheets present, as of September 30, 2020 and 2019, amounts of future economic benefits owned or managed by the Commission (assets), amounts owed by the Commission (liabilities), and amounts which comprise the difference (net position). The statements of net cost report the full cost of the program, both direct and indirect costs of the output, and the costs of identifiable supporting services provided by other segments within the Commission. The statement of budgetary resources reports the Commission's budgetary activity.

Basis of Accounting

The Commission prepares financial statements to report its financial position and results of operations pursuant to the requirements of 31 U.S.C. 3515(b), the Chief Financial Officers Act of 1990 (P. L. 101-576), as amended by the Government Management Reform Act of 1994, and Accountability Tax Dollars Act of 2002, Public Law 107-289, and presented in accordance with the requirements in OMB Circular No. A-136, as revised. These statements have been prepared from the Commission's financial records using an accrual basis in conformity with GAAP. The generally accepted accounting principles (GAAP) for federal entities are the standards prescribed by the Federal Accounting Standards Advisory Board (FASAB) and recognized by the AICPA as Federal GAAP. These statements are, therefore, different from financial reports prepared pursuant to other OMB directives that are primarily used to monitor and control the Commission's use of budgetary resources.

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Transactions are recorded on an accrual and budgetary basis of accounting. Under the accrual basis of accounting, revenues are recognized when earned, and expenses are recognized when resources are consumed, without regard to the payment of cash. Budgetary accounting principles, on the other hand, are designed to recognize the obligation of funds according to legal requirements, which in many cases is prior to the occurrence of an accrual based transaction. The recognition of budgetary accounting transactions is essential for compliance with legal constraints and controls over the use of federal funds. The Commission uses the cash basis of accounting for some programs with an accrual adjustment made by recording year-end estimates of unpaid liabilities.

Use of Estimates

The preparation of financial statements in conformity with GAAP in the United States requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities, and disclosure of contingent assets and liabilities, at the date of the financial statements and the reported amounts of revenue and expenses during the reporting period. Actual results could differ from those estimates.

Fund Balance with Treasury

The Commission maintains its available funds with the Department of the Treasury (Treasury). The fund balance with Treasury is available to pay current liabilities and finance authorized purchases. Cash receipts and disbursements are processed by Treasury and are reconciled with those of Treasury on a regular basis. Note 2, Fund Balance with Treasury, provides additional information.

General Property and Equipment

General property and equipment (PP&E) consists of equipment used for general operations and internal use software. The basis for recording purchased PP&E is full cost, which includes all costs incurred to bring the PP&E to a form and location suitable for its intended use. The cost of PP&E acquired through donation is the estimated fair market value when acquired. All PP&E with an initial acquisition cost of \$5,000 or more and an estimated useful life of two years or more are capitalized, except for internal use software discussed below.

The PP&E is depreciated using the straight-line method over the estimated useful life of the asset. Normal maintenance and repair costs are expensed as incurred. Statement of Federal Financial Accounting Standards (SFFAS) No. 10, Accounting for Internal Use Software, requires that the capitalization of internally-developed, contractor-developed and commercial off-the-shelf (COTS) software begin in the software development phase.

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

For amortization purposes, the estimated useful life for internal use software was determined to be five years. SFFAS No. 10 also requires that amortization begin when the asset is placed in use. Costs below the threshold levels are expensed. Software is depreciated for a period of time consistent with the estimated useful life used for planning and acquisition purposes.

Liabilities

Liabilities are recognized for amounts of probable and measurable future outflows or other sacrifices of resources as a result of past transactions or events. Since the Commission is a component of the U.S. Government, a sovereign entity, its liabilities cannot be liquidated without legislation that provides resources to do so. Payments of all liabilities other than contracts can be abrogated by the sovereign entity. In accordance with public law and existing federal accounting standards, no liability is recognized for future payments to be made on behalf of current workers contributing to the Medicare Health Insurance Trust Fund, since liabilities are only those items that are present obligations of the government. The Commission's liabilities are classified as covered by budgetary resources or not covered by budgetary resources.

Liabilities Covered by Budgetary Resources are Liabilities incurred which are covered by realized budgetary resources as of the Balance Sheet date. Budgetary resources encompass not only new budget authority but also other resources available to cover liabilities for specified purposes in a given year. Available budgetary resources include:

(1) new budget authority, (2) unobligated balances of budgetary resources at the beginning of the year or net transfers of prior year balances during the year, (3) spending authority from offsetting collections (credited to an appropriation or fund account), and (4) recoveries of unexpired budget authority through downward adjustments of prior year obligations. Liabilities are considered covered by budgetary resources if they are to be funded by permanent indefinite appropriations, which have been enacted and signed into law and are available for use as of the Balance Sheet date, provided that the resources may be apportioned by OMB without further action by the Congress and without a contingency having to be met first.

Liabilities Not Covered by Budgetary Resources are liabilities, which are not considered to be covered by budgetary resources. Liabilities Not Covered by Budgetary Resources are combined with liabilities covered by budgetary resources with liabilities on the face of the Balance Sheet.

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Accounts Payable

Accounts payable primarily consists of amounts due for goods and services received in progress in contract performance, interest due on accounts payable, and other *miscellaneous payables*.

Accrued Payroll and Benefits

Accrued payroll and benefits consist of salaries, wages, leave and benefits earned by employees, but not disbursed as of September 30. Liability for annual and other vested compensatory leave is accrued when earned and reduced when taken. At the end of each fiscal year, the balance in the accrued annual leave liability account is adjusted to reflect current pay rates. Annual leave earned but not taken is considered an unfunded liability since this leave will be funded from future appropriations when it is actually taken by employees. Sick leave and other types of leave are not accrued and are expensed when taken.

Revenue and Financing Sources

The Commission receives the funding needed to support its programs through an annual Congressional appropriation. The United States Constitution prescribes that no money may be expended by a federal agency unless and until funds have been made available by Congressional appropriation. Appropriations are recognized as financing sources when related expenses are incurred or assets are purchased.

The Commission receives an annual appropriation that may be used within statutory limits. For example, funds for general operations are generally made available for one fiscal year. The Statement of Budgetary Resources presents information about the resources appropriated to the Commission.

Federal Employee Benefits

Most Commission employees participate in either the Civil Service Retirement System (CSRS) – a defined benefit plan, or the Federal Employees Retirement System (FERS) - a defined benefit and contribution plan. For employees covered under CSRS the Commission contributes a fixed percentage of pay. Most employees hired after December 31, 1983, are automatically covered by FERS. FERS employees contribute .8 percent of their salary for the FERS Basic Benefit pension plan. Employees hired after 1/1/2013 and before 1/1/2014 (FERS-Revised Annuity Employees) contribute 3.1 percent of gross pay for the FERS Basic Benefit pension plan. Employees hired after 1/1/2014 (FERS-Further Revised Annuity Employees) contribute 4.41 percent of gross pay for the FERS Basic Benefit pension plan.

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

The U.S. Office of Personnel Management is the administering agency for both of these benefit plans and, thus, reports CSRS or FERS assets, accumulated plan benefits, or unfunded liabilities applicable to federal employees. Therefore, the Commission does not recognize any liability on its balance sheet for pensions, other retirement benefits, and other post-employment benefits.

NOTE 2 FUND BALANCE WITH TREASURY

The fund balance with the Treasury is as follows at September 30:

	2020	2019
1. Status of Fund Balance with Treasury		
1) Unobligated Balance		
a) Available	108,609	119,797
b) Unavailable	720,738	649,150
2) Obligated Balance not yet		
Disbursed	<u>1,601,999</u>	<u>987,804</u>
Total	<u>\$ 2,431,346</u>	<u>\$ 1,756,751</u>

In fiscal year 2020, the Commission cancelled its fiscal 2015 remaining funds and returned the balance of \$128,769 to the Treasury.

NOTE 3 ACCOUNTS RECEIVABLE, NET

The accounts receivable is due to payroll corrections. The direct write-off method is used for uncollectible receivables. The receivable will be collected through salary offset.

	2020	2019
Gross Receivables	\$ 1,034	\$ 1,034
Allowance for Uncollectible		
Accounts	<u>-</u>	<u>-</u>
Account Receivables, Net	<u>\$ 1,034</u>	<u>\$ 1,034</u>

NOTE 4 GENERAL PROPERTY, PLANT AND EQUIPMENT

Property and equipment consisted of the following at September 30:

	2020	2019
Equipment	\$ 325,634	\$ 325,634
Internal-Use-Software	<u>7,684</u>	<u>7,684</u>
Total	\$ 333,318	\$ 333,318
Less: Accumulated depreciation		
Equipment	\$ 283,118	271,571
Internal-Use-Software	<u>7,684</u>	<u>7,684</u>
Total	\$ 290,802	\$ 279,255
Property and Equipment Net	\$ 42,515	\$ 54,063

Depreciation and amortization expense for the fiscal years ended September 30, 2020 and 2019 was \$11,548 and \$ 31,677, respectively.

NOTE 5 LIABILITIES NOT COVERED BY BUDGETARY RESOURCES

Liabilities of the Commission are classified as liabilities covered or not covered by budgetary resources. As of September 30, 2020, the Commission had liabilities covered by budgetary resources of \$519,557 and liabilities not covered by budgetary resources of \$484,969. As of September 30, 2019, Commission had liabilities covered by budgetary resources of \$447,907 and liabilities not covered by budgetary resources of \$431,296.

	2020	2019
Intragovernmental		
Accounts Payable	\$ 69,963	\$ 51,449
Other:		
Employer Contributions and Payroll Taxes	<u>72,448</u>	<u>55,327</u>
Total Intragovernmental	\$ 142,411	\$ 106,776
Accounts Payable	106,840	89,836
Accrued Funded Payroll and Leave	259,003	242,296
Employer Contributions	11,303	8,999
Unfunded Leave	<u>484,969</u>	<u>431,296</u>
Total Liabilities	\$ 1,004,526	\$ 879,203

Total Liabilities covered by budgetary resources	\$	519,557	\$	447,907
Total Liabilities not covered by budgetary resources		<u>484,969</u>		<u>431,296</u>
Total Liabilities	\$	1,004,526	\$	879,203

NOTE 6 OTHER LIABILITIES -

Other liabilities with the public for the years ended September 30, 2020 and 2019 consist of Employer Contributions and Payroll Taxes, Accrued Funded Payroll and Unfunded Leave in the amounts shown below.

		Non-Current	Current	2020 Total
Intragovernmental				
Employer Contributions and Payroll Taxes	\$	-	<u>\$ 72,448</u>	<u>\$ 72,448</u>
Total Intragovernmental		-	72,448	72,448
Other Liabilities				
Accrued Funded Payroll and Leave	\$	-	259,003	\$ 259,003
Employee Contributions and Payroll Taxes		0	11,303	11,303
Unfunded Leave		<u>484,969</u>	-	<u>484,969</u>
Total Other Liabilities	\$	484,969	\$ 342,754	\$ 827,723

		Non-Current	Current	2019 Total
Intragovernmental				
Employer Contributions and Payroll Taxes	\$	-	<u>\$ 55,327</u>	<u>\$ 55,327</u>
Total Intragovernmental		-	55,327	55,327
Other Liabilities				
Accrued Funded Payroll and Leave	\$	-	242,296	\$ 242,296
Employee Contributions and Payroll Taxes			8,999	8,999
Unfunded Leave		<u>431,296</u>	-	<u>431,296</u>
Total Other Liabilities	\$	431,296	\$ 306,622	\$ 737,918

NOTE 7 OPERATING LEASES

The Commission has various Federal leases for offices and branches throughout the United States. The longest of those obligations extends through 2029. Certain leases contain renewal options and escalation clauses. No leases include restrictions on the Commission's activities. The aggregate rent expense totaled \$1,439,007 and \$1,456,676 for 2020 and 2019 as of September 30, 2020 and 2019, respectively. Future minimum rent payments for the fiscal years ended September 30, are as follows:

2021	\$	1,487,422
2022		1,079,847
2023		181,002
2024		168,452
2025		169,686
Thereafter		<u>536,863</u>
Total	\$	3,623,273

NOTE 8 APPORTIONMENT CATEGORIES OF NEW OBLIGATIONS AND UPWARD ADJUSTMENTS: DIRECT VS REIMBURSABLE OBLIGATIONS

Obligations of the Commission represent direct new obligations and upward adjustments against amounts apportioned under category A on the latest Apportionment and Reapportionment Schedule.

		2020		2019
Category A	\$	10,431,566	\$	10,033,604

NOTE 9 UNDELIVERED ORDERS AT THE END OF THE PERIOD

The amount of budgetary resources obligated for undelivered orders was \$1,088,462 and \$539,896 as of September 30, 2020 and 2019 respectively.

	Paid	Unpaid	Total 2020
FY 2020 Undelivered Orders			
Federal	\$ -	\$ 48,500	\$ 48,500
Non-Federal	-	<u>1,033,940</u>	<u>1,033,940</u>
Total Undelivered Orders	\$ -	\$ 1,082,440	\$ 1,082,440

	Paid	Unpaid	Total 2019
FY 2019 Undelivered Orders			
Federal	\$ -	\$ 53,443	\$ 53,443

Non-Federal		0	<u>486,453</u>		<u>486,453</u>
Total Undelivered Orders	\$	-	\$ 539,896	\$	539,896

NOTE 10 INTER-ENTITY COSTS

Goods and services are received from other federal entities at no cost or at a cost less than the full cost to the providing federal entity. Consistent with accounting standards, certain costs of the providing entity that are not fully reimbursed [by the component reporting entity] are recognized as imputed cost [in the Statement of Net Cost], and are offset by imputed revenue [in the Statement of Changes in Net Position]. Such imputed costs and revenues relate to business-type activities (if applicable), employee benefits, and claims to be settled by the Treasury Judgment Fund. However, unreimbursed costs of goods and services other than those identified above are not included in our financial statements.

The Commission recognizes as imputed financing, the cost of future benefits, which include health benefits, life insurance, pensions, and post-retirement benefit expense for current employees. The assets and liabilities associated with such benefits are the responsibility of the administering agency, OPM. For the fiscal years ended September 30, 2020 and 2019, imputed financing was as follows:

	2020	2019
Office of Personnel Management	\$ 278,268	\$ 375,647

NOTE 11 EXPLANATION OF DIFFERENCES BETWEEN THE SBR AND THE BUDGET OF THE UNITED STATES GOVERNMENT

SFFAS No. 7, Accounting for Revenue and Other Financing Sources and

Concepts for Reconciling Budgetary and Financial Accounting, requires an explanation of material differences between budgetary resources available, the status of those resources and outlays as presented in the Statement of Budgetary Resources to the related actual balances published in the Budget of the United States Government (Budget). The Budget that will include FY 2020 actual budgetary execution information is scheduled for publication in February 2021, which will be available through OMB's website at <http://www.whitehouse.gov/omb>. Accordingly, information required for such disclosure is not available at the time of publication of these financial statements. Balances reported in the FY 2019 SBR and the related President's Budget reflected the following:

	Budgetary Resources	New Obligations & Upward Adjustments (Total)	Distributed Offsetting Receipts	Net Outlays
Combined Statement of Budgetary Resources	\$ 11	\$ 10	\$ -	\$ 10
Expired Unobligated Balances	(1)	-	-	-
Budget of the U.S. Government	\$ 10	\$ 10	\$ -	\$ 10

The difference is caused by Expired Unobligated Balances being reported in the Statement of Budgetary Resources but not in the Budget of the United States Government.

NOTE 12 RECONCILIATION OF NET COST TO NEW OUTLAYS

Budgetary and financial accounting information differ. Budgetary accounting is used for planning and control purposes and relates to both the receipt and use of cash, as well as reporting the federal deficit. Financial accounting is intended to provide a picture of the government's financial operations and financial position so it presents information on an accrual basis. The accrual basis includes information about costs arising from the consumption of assets and the incurrence of liabilities. The reconciliation of net outlays, presented on a budgetary basis, and the net cost, presented on an accrual basis, provides an explanation of the relationship between budgetary and financial accounting information. The reconciliation serves not only to identify costs paid for in the past and those that will be paid in the future, but also to assure integrity between budgetary and financial accounting. The analysis below illustrates this reconciliation by listing the key differences between net cost and net outlays.

FY 2020

	Intra-Governmental	With the Public	Total FY 2020
NET COST	3,853,724	6,258,051	10,111,776
Components of Net Cost That Are Not Part of Net Outlays:			-
Property, plan, and equipment depreciation		(11,548)	(11,548)
Increase/(decrease) in assets:			-
Accounts Receivable		-	-
(Increase)/Decrease in Liabilities not affecting Budget Outlays:			-

Accounts Payable	(18,514)	(17,005)	(35,518)
Salaries and benefits	(17,121)	(19,011)	(36,132)
Other liabilities (Unfunded leave, unfunded FECA, actuarial FECA)		(53,673)	(53,673)
Other financing sources			-
Federal employee retirement benefit costs paid by OPM and imputed to agency	(278,268)		(278,268)
Total Components of Net Cost That Are Not Part of Net Outlays	(313,903)	(101,237)	(415,140)
Components of the Budget Outlays That Are Not Part of Net Operating Cost			
Acquisition of capital assets		-	-
Total Components of the Budgetary Outlays That Are Not Part of Net Operating Cost	-	-	-
NET OUTLAYS	3,539,822	6,156,814	9,696,636

FY 2019

	Intra-Governmental	With the Public	Total FY 2019
NET COST	3,816,290	6,539,883	10,356,173
Components of Net Cost That Are Not Part of Net Outlays:			-
Property, plan, and equipment depreciation		(31,677)	(31,677)
Increase/(decrease) in assets:			-
Accounts Receivable		(1,462)	(1,462)
(Increase)/Decrease in Liabilities not affecting Budget Outlays:			-
Accounts Payable	(2,967)	77,605	74,638
Salaries and benefits	(10,843)	(65,699)	(76,542)
Other liabilities (Unfunded leave, unfunded FECA, actuarial FECA)		(83,791)	(83,791)
Other financing sources			-
Federal employee retirement benefit costs paid by OPM and imputed to agency	(375,647)		(375,647)
Total Components of Net Cost That Are Not Part of Net Outlays	(389,457)	(105,024)	(494,481)
Components of the Budget Outlays That Are Not Part of Net Operating Cost			

Acquisition of capital assets		57,644	57,644
Total Components of the Budgetary Outlays That Are Not Part of Net Operating Cost	-	57,644	57,644
NET OUTLAYS	3,426,833	6,492,503	9,919,336

NOTE 13 NET ADJUSTMENTS TO UNOBLIGATED BALANCE, BROUGHT FORWARD, OCTOBER 1

The Unobligated Balance Brought Forward from the prior fiscal year has been adjusted for recoveries of prior year paid and unpaid obligations and other changes such as canceled authority. The Adjustments to Unobligated Balance Brought Forward, October 1, as of September 30, 2020, and 2019, consisted of the following:

	2020	2019
Unobligated Balance Brought Forward, October 1	\$ 768,947	\$ 954,759
Recoveries of Prior Year Obligations	\$ 120,735	\$ 227,472
Other Changes in Unobligated Balances	<u>(128,769)</u>	<u>(444,680)</u>
Unobligated Balance from Prior Year Budget Authority, Net	\$ 760,913	\$ 737,551

OTHER ACCOMPANYING INFORMATION

Summary of Financial Statement Audit and Management Assurances

Summary of Financial Statement Audit

Audit Opinion: Unmodified
 Restatement: No

Material Weaknesses	Beginning Balance	New	Resolved	Consolidated	Reassessed	Ending Balance
Total Material Weaknesses	0	0	2	0	0	0

Summary of Management Assurances

Effectiveness of Internal Control over Financial Reporting - Federal Managers' Financial Integrity Act (FMFIA) 2

Statement of Assurance: Unmodified

Material Weaknesses	Beginning Balance	New	Resolved	Consolidated	Reassessed	Ending Balance
Total Material Weaknesses	0	0	0	0	0	0

Effectiveness of Internal Control over Operations - FMFIA 2

Statement of Assurance: Unmodified

Material Weaknesses	Beginning Balance	New	Resolved	Consolidated	Reassessed	Ending Balance
Total Material Weaknesses	0	0	0	0	0	0

Conformance with Financial Management System Requirements - FMFIA 4

Statement of Assurance: Systems Conform

Non-Conformance	Beginning Balance	New	Resolved	Consolidated	Reassessed	Ending Balance
Total Non-Conformance	0	0	0	0	0	0

Improper Payments Information Act Reporting Details

The Improper Payments Information Act (IPIA) of 2002, as amended by the Improper Payments Elimination and Recovery Act (IPERA) of 2010, requires agencies to review all programs and activities they administer, and identify those programs that are susceptible to significant erroneous payments. Significant erroneous payments are gross annual improper payments in the program exceeding both 1.5 percent of program outlays and \$10 million of all program payments made during the fiscal year reported or \$100 million of total annual program payments.

Risk Assessment

Due to the Commission's mission and size, the Commission does not separate its mission into individual programs. We conducted a risk assessment for all relevant payments. The Commission evaluated the following risk factors: whether the program or activity was new to the agency; the complexity of the program; the volume of payments; how eligibility decisions are made; recent major changes in funding, authorities, practices, and procedures; the level and experience of personnel; and significant deficiencies in audit reports. The risk assessment determined that the risk of significant improper payments was low. Furthermore, since the Commission's total budget is only \$10,500,000 million threshold for significant improper payments, it is virtually impossible for the Commission to have improper payments over \$10 million. Based on the risk assessment, we determined that the Commission does not have significant improper payments.

Payment Recapture Audits

Section 2(H) of the Improper Payments Elimination and Recovery Act requires agencies to conduct payment recapture audits for each program and activity that expends \$1 million if conducting such an audit is cost-effective. Since the Commission's payments as defined in OMB Circular A – 123, Appendix C exceed this threshold, we conducted a cost-benefit analysis for the entire agency. To determine if it was cost effective for the Commission to engage in a Payment Recapture Audit, we estimated improper payments, determined the anticipated collections, examined the costs of a recapture audit, and applied OMB's criteria to make a decision. Based on our analysis, we have determined that the costs of a payment recapture audit at the Commission would exceed the benefits. In accordance with OMB Circular A – 123, Appendix C, we provided OMB with our analysis and notified them that that a payment recapture audit is not cost-effective.

Improper Payment Reporting

The Commission did not have an improper payment in Fiscal Year 2020.