

CIVIL RIGHTS ENFORCEMENT INITIATIVES: CONTACT LIST

<u>AGENCY</u>	<u>PHONE</u>	<u>FAX</u>
Equal Employment Opportunity Commission		
Ellen Vargyas, Legal Counsel	663-4637	663-4639
	244-2416 (hm)	
Paul M. Igasaki, Acting Chairman	663-4027	
	4001	
Department of Housing and Urban Development		
Mercedes Marquez	708-2467	708-3389
Laura Garcia, Dpty COS	708-2467	
	773-0508 (pager)	
Jackie Lawing	237-0655 (hm)	708-4087
Department of Labor, OFCCP and CRC		
Lee Satterfield, COS	219-8274	
Shirley Wilcher, OFCCP	219-9475	219-6195
	301/203-9279 (hm)	
	202/672-0959 (pager)	
Annabelle Lockhart, CRC	219-8927	219-5658
Department of Justice		
John Hogan, COS	514-3892	
Bill Lann Lee, Civil Rights Division	514-6715	307-2572
Department of Education		
Leslie Thornton, COS	401-1110	
Norma Cantu, OCR	205-5557	205-5381
Department of Health and Human Services		
William Corr, COS	690-7431	
Dennis Hayashi, OCR	619-0403	
Department of Agriculture		
Greg Frazier	720-9245	
Reba Pittman Evans	720-3631	690-2911
Department of Transportation		
Nancy McFadden	366-4702	366-3388
	888-982-1914 (pager)	
U.S. Commission on Civil Rights		
Mary Frances Berry, Chair	376-7417	

**CIVIL RIGHTS ENFORCEMENT INITIATIVES
CONTACT LIST
January 16, 1998**

AGENCY

PHONE

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Annabelle Lockhart, DOL/OCR
Information: 301/893-2765 (?)

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Department of Transportation

Nancy McFadden, General Counsel
1-888-982-1914

366-4702

366-3388

U.S. Commission on Civil Rights

Mary Frances Berry, Chairperson

376-7417

HUD - Overall -
Oversight -
Testing -
Baptist

Ben Johnson

1

Text
Specific
Overall - Specific

(202) 244-2466 @ home

Laura Garcia - Doh COS

708-2472

Pager: 773-0508

Office of Public Affairs
= Susan King

301/203-9279 (hms) C

202/672-0959

219-6195

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366-3388

376-7417

MEMORANDUM

To: Elena Kagan
From: Julie Fernandes
Date: February 4, 1998
Re: Long-term planning

The following is an outline of long-term planning initiatives and ideas.

I. **Budget Proposals**

- Civil Rights Initiative
EEOC
HUD Fair Housing
Other civil rights offices and agencies

II. **Legislative Efforts**

- INS Reform
Our package could include recommendations re: (1) the State Department's role in the visa issuance process; and (2) the Labor Department's role in sanctioning employers for failure to verify whether their employees are authorized to work (see below)
- Haitians
- Legal immigration

H1B visa reform -- Labor, Commerce and the INS are in the process of developing options for reforming the H1B temporary visa program.

As part of this effort, we could explore reforms to the permanent visa program, as well. Employers now use the H1B temporary visa program to import highly skilled workers, rather than the permanent program. In addition to reforming the H1B to make it link more closely to the industries with the greatest need for temporary workers, we may want to explore reforming the labor certification process (which is a part of the permanent program), to make it faster and more responsive to the rapidly changing labor market.

III. **Non-legislation -- underway**

IV. New Ideas

- Americanization

Need to explore role that government and private sector could play in furthering this effort. Could do a directive to the agencies to let us know what they could do to further our efforts in this area. The directive could lay out the broad goals of our effort, with a short turn-around.

- Race Initiative -- Promising Practices

Explore further whether the Community Relations Service at the Justice Department could have a role in institutionalizing the collection, analysis and dissemination of information re: promising practices. This could include "racial reconciliation" type practices and programs that are effective at reducing disparities in opportunities and outcomes among racial and ethnic groups.

- Legal Immigration

- Delegation to the Department of Labor authority to sanction employers for failure to verify whether their employees are authorized to work. Under the current system, DOL reports to INS when such a violation is found, but INS rarely follows-up. This change would, in effect, actualize an existing sanction system. INS/DOL have indicated that this change could be made without a change in legislation, though we would want to make sure. This would likely be controversial, and unpopular with some business interests (those that don't want the law enforced). However, it is very consistent with our message.

This could be done as part of the INS reform package.

- Departure management system -- the 1996 Immigration Act requires the development and implementation of a more extensive and efficient entry/departure management system for "all aliens" at air and land ports of entry. This has set off a storm with our neighbors, particularly Canada. Sen. Abraham has a proposal that would amend this provision to apply only to the improvement of existing systems, and not to mandate the creation of a system where none presently exists (e.g., Canada). INS has briefed Congress that it can't meet the statutory deadline for implementing what the Act now calls for, and wants to work to amend it to something more realistic (that may or may not look like what Abraham is doing.) We need to think about whether we would want to pursue a legislative fix.

D. Title VI Enforcement

An initiative to step-up the enforcement of Title VI within federal agencies and federal contractors (e.g., health care facilities). Title VI is often talked about as the best under-used federal Civil Rights tool. This is an idea also raised by former Acting Assistant Attorney General Isabel Katz Pinzler during the last round of inter-agency discussions about improvements within the CR agencies.

E. Disparate Impact

Many advocates within the civil rights community are concerned that an attack on the Griggs disparate impact analysis (as codified in the 1991 CR Act) is imminent (Ward Connerly has stated that eliminating the disparate impact analysis as a method of demonstrating discrimination is a legislative priority for him). We may want to explore ways of shoring up public support for the legitimacy of the disparate impact analysis.

F. Equal Credit Opportunity Act enforcement

We may want to explore ways to better enforce the ECOA -- particularly as effects small farmers and businesses. This would expand our thinking about equal access to capital to ensuring non-discriminatory access to capital. This is a companion idea to HUD's lending testing program -- business loans instead of mortgages.

**THE CLINTON ADMINISTRATION ANNOUNCES
NEW CIVIL RIGHTS ENFORCEMENT INITIATIVE**

January 19, 1998

The Vice President today announced a package of civil rights enforcement initiatives that places new emphasis on prevention and non-litigation remedies for discrimination and strengthens civil rights agencies' ability to enforce anti-discrimination law. The plan promotes prevention by providing increased resources for compliance reviews and technical assistance, and offers an alternative to expensive litigation by funding a dramatic expansion of alternative dispute resolution (ADR) mechanisms. The plan also sets specific performance goals for the EEOC to speed processing of complaints and reduce case backlog, and provides for greater coordination across federal agencies and offices. The Clinton Administration's Fiscal Year 1999 balanced budget contains \$602 million for civil rights enforcement agencies and offices -- an increase of \$86 million, or more than 16 percent, over last year's funding.

Equal Employment Opportunity Commission (EEOC)

The Administration's budget proposal expands the EEOC's ADR program over three years to allow as many as 70 percent of all complainants to choose mediation, rather than the lengthy process of investigation and litigation. In the first year of this expansion, the EEOC will provide ADR in a projected 16,000 cases -- 20 percent of all incoming cases and double the number currently sent to mediation. The Administration's budget also sets specific performance goals for the EEOC to reduce its backlog. Through a combination of the increased use of mediation, improved information technology, and an expanded investigative staff, the EEOC will reduce the average time it takes to resolve private sector complaints from over 9.4 months to 6 months, and reduce the backlog of cases from 64,000 to 28,000, by the year 2000.

In total, the budget requests \$279 million for the EEOC for FY 1999 -- \$37 million or 15 percent more than the enacted 1998 budget. More than one-third of the proposed increase (\$13 million) goes to expansion of the agency's ADR program.

Department of Housing and Urban Development (HUD)

The Administration's budget proposes an increased emphasis on reducing discrimination and ensuring equal opportunity in housing. The highlight of the HUD budget proposal is a targeted enforcement initiative that will use paired testing -- in which otherwise identical applicants of different races approach realtors or landlords -- to detect and eliminate housing discrimination. This systematic, focused testing strategy will allow more accurate measurement and increased public awareness of housing discrimination, while facilitating enforcement actions against violators of the fair housing law.

The Administration's budget proposes \$52 million for FY 1999 -- \$22 million, or about 70 percent, more than last year's funding -- to enable HUD to meet its goals of ensuring equal opportunity in housing. The new paired testing program is funded at \$10 million.

Key Aspects of the Budget

*** Alternative Dispute Resolution (ADR)**

The plan increases the use of ADR in the Federal government as a voluntary option available to parties that seek a non-litigation solution to their cases. The Administration's budget expands mediation programs in almost every agency, most notably in the EEOC.

*** Prevention Activities**

The plan emphasizes efforts throughout the government's civil rights agencies and offices to prevent discrimination from occurring -- for example, through technical assistance, outreach, and compliance reviews. Offices in which such consultative activities will assume added importance include the Civil Rights Center of the Department of Labor and the Offices of Civil Rights of the Departments of Health and Human Services and Education. The Office of Federal Contract Compliance Programs of the Department of Labor will increase compliance reviews by 10 percent, while reducing burdens on contractors (paperwork, etc.) by at least 30 percent.

*** Improved Coordination**

The plan recognizes the need for enhanced coordination of federal civil rights enforcement policy among agencies by highlighting the lead role of the Department of Justice's Civil Rights Division, under the direction of Bill Lann Lee, and providing additional resources for coordination activities. This emphasis will lead to more consistent enforcement of civil rights laws, broader dissemination of best practices, and improved data collection.

Civil Rights Enforcement Funding
(Budget authority, in millions of dollars)

	1997 Actual	1998 Enacted	1999 Request
Equal Employment Opportunity Commission	240	242	279
Department of Housing and Urban Development, Fair Housing Activities	30	30	52
Department of Justice, Civil Rights Division	62	65	72
Department of Labor, Office of Federal Contractor Compliance Efforts	59	62	68
Department of Education, Office of Civil Rights	55	62	68
Department of Health and Human Services, Office of Civil Rights	20	20	21
Department of Agriculture	10	15	19
U.S. Commission on Civil Rights	9	9	11
Department of Transportation, Office of Civil Rights	6	6	7
Department of Labor, Civil Rights Center	5	5	5

Q&A for Civil Rights Enforcement Initiative
January 19, 1998

Q: What did the Clinton Administration announce with regard to civil rights enforcement?

A: The Clinton Administration announced its Fiscal Year 1999 budget proposal of \$602 million for civil rights enforcement agencies -- this is \$86 million or more than 16 percent greater than the FY 1998 budget. The President's proposal places new emphasis on preventive measures and non-litigation strategies while also strengthening the ability of federal agencies to enforce existing civil rights laws. The Administration's budget provides for increased use of voluntary Alternative Dispute Resolution (ADR), especially in the Equal Employment Opportunity Commission, so parties can have their cases resolved more easily, cheaply, and promptly. The combination of additional resources and reforms will enable the EEOC to reduce the average time it takes to resolve a complaint from over 9 months to 6 months, and reduce the current backlog from 64,000 to 28,000, by the year 2000.

Q: Why is the President proposing these actions?

A: This budget keeps the President's commitment to ensure equal opportunity for all Americans: that no one should be denied such essentials as a job, a home or a chance at an education because of the color of their skin, a disability, their gender or their religion. One of the key observations John Hope Franklin, Chairman of the President's Initiative on Race, made in his November 30, 1997 letter to the President was that the budgets of civil rights agencies have not kept pace with their increased responsibilities. This budget seeks to provide sufficient resources and promote management reforms to allow civil rights agencies to do their jobs.

Q. How does this budget relate to the President's Initiative on Race?

A. John Hope Franklin and the rest of the Race Initiative's Advisory Board urged the President to focus on this issue and recommend some specific reforms. Of course, the Administration has a consistently strong record in this area, but the Initiative on Race made this an especially appropriate year in which to propose systemic reforms to, and strengthening of, the nation's civil rights agencies and offices.

Q. What other agencies are part of the Civil Rights Enforcement Initiative?

A. The President's budget encourages the use of ADR, prevention activities such as education and technical assistance, and improved enforcement across the major civil

rights agencies and offices. It includes funding for the following agencies involved in civil rights enforcement:

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Department of Labor, Civil Rights Center	5	5	5

Q: What does the President's budget propose with respect to the Civil Rights Division at the Department of Justice?

A: The Administration's 1999 budget proposes more than a 10 percent increase for the Department of Justice -- from \$65 million in FY 1998 to \$71.6 million in FY 1999. This funding will permit the Department to continue its efforts in enforcing the laws that provide civil and criminal protections from discrimination, including the Civil Rights Act of 1964, the Fair Housing Act, and the Americans with Disabilities Act. The budget also includes funds specifically to enhance the Civil Rights Division's role in coordinating

federal civil rights enforcement across agencies. This enhanced coordinating role, which will be undertaken by Bill Lann Lee, will lead to more consistent enforcement of civil rights laws, broader dissemination of best practices, and improved data collection.

Q: The Congressional Research Service has recently stated that the appointment of Bill Lann Lee as Acting Assistant Attorney General for Civil Rights is illegal under the Vacancies Act. How can you appoint Lee to this position?

A: The Department of Justice has reviewed this question closely and has determined that the Attorney General has the authority to make this appointment.

Q: What actions is the President taking with respect to appointing a new Chairman of the Equal Employment Opportunity Commission?

A: After the departure of Chairman Gilbert Casellas at the end of last year, the President reappointed Paul M. Igasaki to the Equal Employment Opportunity Commission, and named him Acting Chairman. Currently, three of the five positions on the Commission are filled, which is enough for a quorum. The fourth member to be appointed is for a Republican slot, and Senate Majority Leader Trent Lott (R-Miss.) has already indicated his choice for the position. The President is working as expeditiously as possible to nominate a fifth member of the Commission.

Q: What does the President's plan do to improve performance at the EEOC?

A: This plan creates specific goals and invests in new technology and procedures that will significantly improve EEOC performance. The initiative's reforms will reduce the average time it takes to process a complaint from over 9 months to 6 months, and the current backlog from 64,000 to 28,000 cases, by the end of 2000. This reduction will be achieved in part through technology improvements and in part through a dramatic expansion of the Agency's Alternative Dispute Resolution (ADR) program. The Administration's budget proposal expands the EEOC's ADR program over three years to allow as many as 70 percent of all complainants to choose mediation, rather than the lengthy process of investigation and litigation. In the first year the EEOC will provide ADR in a projected 16,000 cases -- 20 percent of all incoming cases and double the number currently sent to mediation.

Q: Is the President's budget simply a way to increase funding for affirmative action programs?

A: No. The President's budget is aimed at preventing and eliminating discrimination through emphasizing compliance with and enforcement of the various existing civil rights laws, such as the Civil Rights Act of 1964, the Fair Housing Act, and the Americans with

Disabilities Act. Affirmative action programs are only one tool (and not the most widely used tool) of civil rights enforcement.

Q. What does this budget do to improve USDA programs for minority farmers?

- A.** The President's budget proposal increases funding for USDA's civil rights programs from \$15 million to \$19 million to increase human resources management, outreach to under-represented customers, involvement of small and disadvantaged businesses in USDA programs, conflict resolution activities, and processing complaints brought by employees and customers.

Immigrant reform

conclude - we have reached
how appears in budget
next steps

Tip off something
that will happen on
Monday, those we would
appreciate not to press
Announcing part of
budget that deals
w/ ER agencies &
Mechanism
Mostly EEOC & HUD
Your agency is getting
an increase

Event Monday

- One pager
- Q&A
- Elena's Qs
- all agencies ready but no leak

~~Susan~~

Eli Aday - OK to give him rough draft
VP's ~~press~~ press person

who should we
refer people
to on Monday

Susan Carr - OMB budget

Home number - ~~5-5759~~
5-7881

page
her

page?

6-2334

any other paper that
we should have
so that we don't
have to bother her
over the weeks

* Ted Wartell
5-6141
need to get Susan
maybe @ home

106
75
530
7420
7950

Each mediator does

75 resolut's

8000 mediated per year now

106.6

106

6 FT

\$ 75

8000

453

450

106 \$

mediators

320

going up to 24,000 cases per year

mediators to do 24,000 cases

106
x 3

318

Cost \$ 75,000 for each mediator

\$ 13 million per year

173

3

3 75

18,000

75

556

525

250

160 per year

x 3

483

173

6-6558

Another #

HUD

Laura
Garza

Acting HUD

708-2467

773-0508 (page)

Jackie Lawling

237-0655

HUD

- Number of testers in present program ^(\$5 million)
- w/ \$10 million, how many more testers would that buy?

~~Deputy COS~~
Deputy COS

Dpt. COS for CR
for HUD

Jackie
Susan Ford

old FHIP program
w/ testers

⊕ new \$10 million

○ — 200 people

Program isn't about the # of testers.

1000 people — 500 pairs of testers

Testers —

of audits

\$15 current
will go up to

more than ~~50~~ 50
organizing
for enforcement

\$19 FHIP

2 diff. programs < \$10 special (new program)

of more grantees

37 now — ▽

Whole \$19 gets allocated into grants

Of new \$ we expect 75 new programs
naturally

btm X — X
of testers.

~~\$200,000~~ ~~7.9~~
~~95~~

w/ \$19 70 new programs doing enj.
On average, what they do

\$10 million — not an enforcement program

program is all
about depth & severity

audit-based

will not be used for enforcement only

pattern & practice

may show national trends

(D)

unealthy areas where

Haven't

500 pairs of tests

500 episodes

Range

@ least 500 tests done in this process

{ national test episodes }

of the 20; in each community

@ least ~~approx~~ 25 tests per community

depend on what info is gathered

the # will increase

in communities

of organizations = approx 50 HUD-funded programs

all enforcement
since edu. started

audit based
enforcement study John Goering

333-7970
Lee Satterfield

OFCCP

Discrim. by federal contractors

200,000 fed contractors

tiered compliance review

10% increase in FY 1999 the number of compliance reviews conducted

Reduce contractor burden

modernize computers

4%

98 estimate

9.3 > 8.9 is a week

OCR

Susan Carr

9.4 — ^{FS} from original budget submission for EEOC takes

This year: 9.3 mo. to process a case

w/out new staff: 9.4 mo. (estimate)

6 mo. — ~~9.4~~ EEOC has orally agreed 6 mo.

Revenue assumes(?)

Get to 6 mo. in 2d year of
Three year.

FY 99

\$279 million

\$288 million

FY 2000

they had more people
and less ADR
We have the reverse.

ADR is more efficient
quicker

Documentation(?)
NO.

By end of FY 2000 — 6 mo.

Intuitive

① Donna - where we are?
410/313-9648

③ Bronson

② Damon: 686-7399

9:00-11am
Billiards @ 9:00
456-2334

HUD

Scott
Sherman

720-3457

Bea

Pager fr
888-
720-
3457

testing guy

The \$8 million will fund existing organizations

These are state entities already exist.

They will pass laws of substantial compliance.

using "creative"

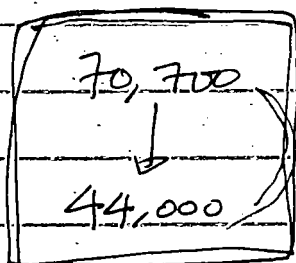
Ellen Vargas - EEOC Legal Counsel

Shirley
Wilcher
OFCCP

301/203-9279

① A Good as it Gets
② Good Will Hunting

EEOC backlog — from what to what
 = pending charges



Backlog now
 After program

estimated
 70,700

for
 forwarded: 65,000 → 44,000
 pending:

Charges forwarded = charges pending @ start of next fiscal year

approximately 9 mo.

reduce inventory to 28,000

65
 44
 21

64,000 — 28,000

36K reduced

71 — 44

27K reduced

\$29 million to do new stuff
 \$13 million ADR
 \$10 million technology
 \$6 million — investigator

\$20,000,000
 20,000,000

\$8 million to keep doing what they are doing

= \$38 million increase for EEOC

Technology is not part of the formula,
though there is a \$25 million/3 yrs investment
in technology.

①

② chart assumes 8,000 mediations
(50% success rate)

Any number $< 80,000$ is not a backlog
(b/c get 80,000 new cases every year)

(\$9 million) 4,000 more mediations

\$4 million/year
4,000 cases

③ gets us to 40,000

25 million technology increase will help us
reach our goal of 28,000 backlog.

Reasonable to assume that ~~over~~ ^{after} 2 yrs
people will get more conf w/ ADR

\$500/mediation/case

Fax

301/986-0771

38,000

④ Technology

3
44,000
23,500
20,500

Rim
200
Susan
LHS

Chart was w/out \$9 million additional for
ADR each year

<u>year</u>	<u># mediations</u>		
FY 99	16,000	—	8,000 successful (4000 more than projected)
FY 2000	25,000	—	12,500 success (8,500 more than projected)
FY 2000	30,000	—	15,000 success (11,000 more than projected)

E-mail
Plan risk (w/ Rose)
Plattman's
G-mail to
Press office
Barry
w/ Jim
He Tread
Joey Wins
Audren - cos

~~375~~
~~45~~

= 23,500 additional
backlog reduced
by end of 3 yr

Pending inventory = 44,000 (w/out now
\$9 million)

~~44,000~~ 44,524
- 23,500

21,024 ←

Doesn't count whether technology will make
improvements

Maritza: OPL 66659
Hispanic Appointees
African-Am
Working group in WH

Fax to Vargyas

202/663-4639

Andrew Mayock

Sent paper to:

- ① EEOC - Vargyas
- ② Jackie Lawing - HUD
- ③ DOJ - Bill Lee
- ④ Judy Winston
- ⑤ Andrew Mayock / Matthews
- ⑥ Ben Johnson (draft in e-mail) rec'd ?
- ⑦ Susan Liss (20 copies)
- ⑧ Maria Edaveste
- ⑨ Susan Carr
- ⑩ Bruce
- ⑪ Jose
- ⑫ Eli & Ginny Terranova (VP)
(extra QA in Bill Lee.)
- ⑬ Dora Matsui
- ⑭ Press office - A Mayock
- ⑮ Agencies - A Mayock
- ⑯ Dawn Chinwa

OP
Ben/Dora/Maria/Bill White
Agencies COS (2 pages)
Peter Jacoby / Janet
EEOC Leg Aff
Beverly @ Press office

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In total, the budget requests \$279 million for the EEOC for FY 1999 -- \$37 million or 15 percent more than the enacted 1998 budget. More than one-third of the proposed increase (\$13 million) goes to expansion of the agency's ADR program.

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FINAL

Q&A for Civil Rights Enforcement Initiative January 19, 1998

Q: What did the Clinton Administration announce with regard to civil rights enforcement?

A: The Clinton Administration announced its Fiscal Year 1999 budget proposal of \$602 million for civil rights enforcement agencies -- this is \$86 million or more than 16 percent greater than the FY 1998 budget. The President's proposal places new emphasis on preventive measures and non-litigation strategies while also strengthening the ability of federal agencies to enforce existing civil rights laws. The Administration's budget provides for increased use of voluntary Alternative Dispute Resolution (ADR), especially in the Equal Employment Opportunity Commission, so parties can have their cases resolved more easily, cheaply, and promptly. The combination of additional resources and reforms will enable the EEOC to reduce the average time it takes to resolve a complaint from over 9 months to 6 months, and reduce the current backlog from 64,000 to 28,000, by the year 2000.

Q: Why is the President proposing these actions?

A: This budget keeps the President's commitment to ensure equal opportunity for all Americans: that no one should be denied such essentials as a job, a home or a chance at an education because of the color of their skin, a disability, their gender or their religion. One of the key observations John Hope Franklin, Chairman of the President's Initiative on Race, made in his November 30, 1997 letter to the President was that the budgets of civil rights agencies have not kept pace with their increased responsibilities. This budget seeks to provide sufficient resources and promote management reforms to allow civil rights agencies to do their jobs.

Q: How does this budget relate to the President's Initiative on Race?

A: John Hope Franklin and the rest of the Race Initiative's Advisory Board urged the President to focus on this issue and recommend some specific reforms. Of course, the Administration has a consistently strong record in this area, but the Initiative on Race made this an especially appropriate year in which to propose systemic reforms to, and strengthening of, the nation's civil rights agencies and offices.

Q: What other agencies are part of the Civil Rights Enforcement Initiative?

A: The President's budget encourages the use of ADR, prevention activities such as education and technical assistance, and improved enforcement across the major civil

rights agencies and offices. It includes funding for the following agencies involved in civil rights enforcement:

Civil Rights Enforcement Funding
(Budget authority, in millions of dollars)

	1997 Actual	1998 Enacted	1999 Request
Equal Employment Opportunity Commission	240	242	279
Department of Housing and Urban Development, Fair Housing Activities	30	30	52
Department of Justice, Civil Rights Division	62	65	72
Department of Labor, Office of Federal Contractor Compliance Efforts	59	62	68
Department of Education, Office of Civil Rights	55	62	68
Department of Health and Human Services, Office of Civil Rights	20	20	21
Department of Agriculture	10	15	19
U.S. Commission on Civil Rights	9	9	11
Department of Transportation, Office of Civil Rights	6	6	7
Department of Labor, Civil Rights Center	5	5	5

Q: What does the President's budget propose with respect to the Civil Rights Division at the Department of Justice?

A: The Administration's 1999 budget proposes more than a 10 percent increase for the Department of Justice -- from \$65 million in FY 1998 to \$71.6 million in FY 1999. This funding will permit the Department to continue its efforts in enforcing the laws that provide civil and criminal protections from discrimination, including the Civil Rights Act of 1964, the Fair Housing Act, and the Americans with Disabilities Act. The budget also includes funds specifically to enhance the Civil Rights Division's role in coordinating federal civil rights enforcement across agencies. This enhanced coordinating role, which

will be undertaken by Bill Lann Lee, will lead to more consistent enforcement of civil rights laws, broader dissemination of best practices, and improved data collection.

Q: The Congressional Research Service has recently stated that the appointment of Bill Lann Lee as Acting Assistant Attorney General for Civil Rights is illegal under the Vacancies Act. How can you appoint Lee to this position?

A: The Department of Justice has reviewed this question closely and has determined that the Attorney General has the authority to make this appointment.

Q: What actions is the President taking with respect to appointing a new Chairman of the Equal Employment Opportunity Commission?

A: After the departure of Chairman Gilbert Casellas at the end of last year, the President reappointed Paul M. Igasaki to the Equal Employment Opportunity Commission, and named him Acting Chairman. Currently, three of the five positions on the Commission are filled, which is enough for a quorum. The fourth member to be appointed is for a Republican slot, and Senate Majority Leader Trent Lott (R-Miss.) has already indicated his choice for the position. The President is working as expeditiously as possible to nominate a fifth member of the Commission.

Q: What does the President's plan do to improve performance at the EEOC?

A: This plan creates specific goals and invests in new technology and procedures that will significantly improve EEOC performance. The initiative's reforms will reduce the average time it takes to process a complaint from over 9 months to 6 months, and the current backlog from 64,000 to 28,000 cases, by the end of 2000. This reduction will be achieved in part through technology improvements and in part through a dramatic expansion of the Agency's Alternative Dispute Resolution (ADR) program. The Administration's budget proposal expands the EEOC's ADR program over three years to allow as many as 70 percent of all complainants to choose mediation, rather than the lengthy process of investigation and litigation. In the first year the EEOC will provide ADR in a projected 16,000 cases -- 20 percent of all incoming cases and double the number currently sent to mediation.

Q: Is the President's budget simply a way to increase funding for affirmative action programs?

A: No. The President's budget is aimed at preventing and eliminating discrimination through emphasizing compliance with and enforcement of the various existing civil rights laws, such as the Civil Rights Act of 1964, the Fair Housing Act, and the Americans with Disabilities Act. Affirmative action programs are only one tool (and not the most widely used tool) of civil rights enforcement.

Q. What does this budget do to improve USDA programs for minority farmers?

A. The President's budget proposal increases funding for USDA's civil rights programs from \$15 million to \$19 million to increase human resources management, outreach to under-represented customers, involvement of small and disadvantaged businesses in USDA programs, conflict resolution activities, and processing complaints brought by employees and customers.

TALKING POINTS

DESIGNATION OF BILL LANN LEE AS ACTING ASSISTANT ATTORNEY GENERAL AND COUNSELOR TO THE ATTORNEY GENERAL

- For the past **50** years, Attorneys General -- in both Democratic and Republican Administrations -- have used the Justice Department's statutory authority to appoint acting assistant attorneys general and other acting officials. By statute, nearly all the functions of the Department of Justice are vested in the Attorney General (28 U.S.C. §509). The Attorney General may -- again by statute -- authorize "the performance by an officer, employee, or agency of the Department of Justice of any function of the Attorney General." (Id. § 510). That is what was done here.
- With the President's support and approval, Bill Lann Lee was appointed Principal Deputy Assistant Attorney General in the Civil Rights Division and Counselor to the Attorney General for Civil Rights. The Attorney General then issued an order under 28 U.S.C. §§ 509 and 510, assigning him the functions of the Assistant Attorney General for the Division. A 1971 opinion of the Office of Legal Counsel upholds the practice of bringing someone into the Department and immediately appointing him or her an Acting Assistant Attorney General, and it notes **four** prior examples. **The Bush Administration used the same procedure in 1992.**
- Mr. Lee is not serving pursuant to the Vacancies Act, 5 U.S.C. §§ 3345-49. As noted, the longstanding practice of the Department of Justice, under **both** Republican and Democratic Administrations, is to use sections 509 and 510, rather than the Vacancies Act, to designate acting officials.
- Nevertheless, if the Vacancies Act did apply, Mr. Lee, as the first assistant in the Civil Rights Division could act as Assistant Attorney General so long as the President nominated someone within 120 days. 5 U.S.C. §§ 3346, 3348. The fact that Mr. Lee's predecessor served for more than 120 days before Mr. Lee was first nominated is irrelevant. The Vacancies Act specifically provides that if a first or second nomination to fill a vacancy has been submitted, an acting official may serve until the Senate confirms or rejects the nomination. **The President intends to resubmit Mr. Lee's nomination promptly.**
- The Senate thus will have the opportunity to vote on Mr. Lee. Any concerns about Mr. Lee's status as Acting Assistant Attorney General can be easily resolved by confirming him in the position.

12. CIVIL RIGHTS ENFORCEMENT FUNDING

Federal civil rights enforcement agencies are responsible for strengthening Federal guarantees of equal opportunity and enforcing our laws against discrimination. To eliminate discrimination requires both a proactive effort to promote equal opportunity and effective mechanisms for enforcement. Adequate funding is essential to meaningful enforcement of legal protections afforded all Americans. The FY 1999 Budget provides the resources necessary to support vigorous enforcement of those Federal civil rights laws.

Since the Civil Rights Act of 1964 was signed 34 years ago, numerous Federal laws have been put in place that prohibit discrimination in the areas of housing, employment, educational opportunities, public accommodations, voting, and programs receiving Federal financial assistance. Nevertheless, discrimination remains a real and widespread problem. For example, recent cases provide evidence of the breadth of the employment discrimination problem. These cases revealed companies that race-coded their job applications and segregated minorities into low profile and low paying jobs. Other companies terminated workers because of age or disability, without offering reasonable accommodations. Patterns of gender discrimination or of sexual harassment are similarly egregious examples of the need for vigorous enforcement of employment discrimination laws.

Housing discrimination also remains pervasive and real. Recent testing in the Washington, D.C. area housing markets showed that blacks and Hispanics faced substantial discrimination when they tried to buy or rent a home. The studies showed that blacks and Hispanics were discriminated against 36 percent of the time they tried to buy a home, and 42 percent of the time they tried to rent a home. These results are disturbing and unacceptable 30 years after the passage of the Fair Housing Act of 1968. Housing discrimination affects not only a family's economic well-being, but it is frequently the cause of other forms of economic disadvantage, such as limited job opportunities and increased segregation in schools.

The problems of discrimination are not limited to issues of employment or housing. The proportion of complaints based on disability has grown to 50 percent of all educational discrimination complaints received by the Department of Education. Furthermore, thousands of investigations annually determine that the problem of fighting discrimination in our schools remains an important national issue.

As real and pervasive as illegal discrimination appears to be, changing demographic patterns and an American population that is growing increasingly diverse will require even more vigilance in preventing and enforcing laws against discrimination. A renewed

commitment to strong and effective enforcement will help ensure that economic opportunities and progress reach all segments of a diverse American population. For Federal civil rights enforcement agencies, in addition to increased resources, this renewed commitment includes:

- Greater emphasis on prevention and non-litigation remedies to achieve the objectives of Federal civil rights laws;
- Use of additional tools to increase compliance, including the expansion of Alternative Dispute Resolution (ADR) programs;
- Increased use of technology for better management of agency resources and tracking of case-loads;
- Improved statistical methods for measurement and analysis;
- Encouraging the role of the States through increased partnerships in addressing the problems of discrimination; and
- Enhanced coordination by the Department of Justice in addressing Federal civil rights enforcement efforts.

The FY 1999 Budget proposes \$602 million for civil rights enforcement agencies, \$86 million or 16 percent greater than the FY 1998 enacted level of \$516 million, as shown in Table 12-1. Programs and issues in the principal civil rights enforcement agencies, and the U.S. Commission on Civil Rights, are discussed below.

Enforcing Civil Rights Laws in Employment

The exclusion of people from employment opportunities remains a significant problem facing the workforce today. Approximately 80,000 complaints of employment discrimination are filed annually with the Equal Employment Opportunity Commission (EEOC). Increased statutory responsibilities, including the Americans with Disabilities Act of 1990 and the Civil Rights Act of 1991 have increased the number of complaints that are brought each year. Currently, over 20 percent of all complaints brought before the EEOC are based on disability, while race discrimination, totaling 60 percent of all complaints filed, remains the most widespread discriminatory basis.

The Equal Employment Opportunity Commission (EEOC) is charged with promoting equal opportunity through administrative and judicial enforcement of Federal civil rights laws and through education and technical assistance. Established by Title VII of the Civil Rights Act of 1964, the EEOC enforces the principal Federal statutes prohibiting employment discrimination, including: Title VII of the Civil Rights Act of 1964 as amended; the Age Discrimination in Employment Act (ADEA) of 1967 as amended; the Equal Pay Act

Table 12-1. CIVIL RIGHTS ENFORCEMENT FUNDING

(Budget authority, in millions of dollars)¹

	1997 Actual	Estimate	
		1998	1999
Equal Employment Opportunity Commission	240	242	279
Department of Housing and Urban Development, Fair Housing Activities	30	30	52
Department of Justice, Civil Rights Division	62	65	72
Department of Labor—Office of Federal Contractor Compliance Efforts	59	62	68
Department of Education Office of Civil Rights	55	62	68
Department of Health and Human Services, OCR ²	20	20	21
Department of Agriculture	10	15	19
U.S. Commission on Civil Rights	9	9	11
Department of Transportation, Office of Civil Rights	6	6	7
Department of Labor, Civil Rights Center	5	5	5
Total	496	516	602

¹Numbers may not add due to rounding.
²Includes Medicare Trust Fund transfers.

(EPA) of 1963; Title I of the Americans with Disabilities Act of 1990 (ADA); and Section 501 of the Rehabilitation Act of 1973, as amended. Taken as a whole, these laws protect workers from illegal discrimination based on race, color, religion, gender, national origin, age, and disability.

In recent years, Congress provided EEOC with only marginal increases that have been insufficient to support upgrades to technology and investment in alternative methods of enforcing the law. At the same time, increased enforcement responsibilities have resulted in a 47 percent rise in private sector complaints received by the agency during the first half of the decade, from 62,000 in 1990 to 91,000 in 1994. Consequently, the backlog of private sector complaints at the EEOC rose from 73,124 charges at the end of FY 1993 (the highest level of the previous 10 years), to an all-time high of 111,000 in FY 1995.

Over the past three years, the EEOC has addressed Congressional concerns about the pending backlog and the lack of alternative dispute resolution methods by making a fundamental shift in its approach to its business. Among the most significant changes are: the development of national and local priority issues; the implementation of a targeted and prioritized charge processing system for private sector cases; and the elimination of full investigation of all cases. Two years after implementing the priority charge handling procedures, EEOC has reduced its charge inventory 35 percent—from 111,000 pending charges at the end of the third quarter of FY 1995 (just prior to implementation) to 65,000 pending charges at the end of FY 1997. However, under EEOC's new charge prioritization system, it is now faced with a caseload that is approximately 70 percent category "B" charges (those needing further investigation to determine whether they have merit) and 20 percent "A" charges (those with potential merit requiring extensive investigation). Without additional resources to continue procedural reforms, implement greater use of mediation, and invest in technology, the Commission is unlikely to make further progress toward its goal of reducing the average time it takes

to resolve private sector complaints from over 9.4 months to 6 months by 2001.

Finally, the budget proposes \$18 million for an enhanced mediation program that would double the number of complaints eligible for EEOC's alternative dispute resolution program in FY 1999. Voluntary mediation is an effective method of complaint resolution that can be used in enforcement efforts. EEOC currently uses some of its trained investigators to mediate, but this diverts scarce investigative resources from the majority of cases that do not lend themselves to mediation. While volunteers have also been used since the program's inception in FY 1996, EEOC will need to use more experienced and credible mediators in the future. Through the use of contract mediators, EEOC would encourage employer participation by addressing employers' concerns about bias by EEOC staff, and would encourage claimants to elect mediation by addressing claimant concerns about the competency of volunteers.

Discrimination by federal contractors is the subject of a separate enforcement effort conducted by the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP). OFCCP is responsible for ensuring nondiscrimination in employment based on race, sex, religion, color, national origin, disability or veteran status by more than 200,000 Federal contractors and subcontractors with a total workforce of approximately 22 million people. It assures that Federal contractors and subcontractors take affirmative action in hiring and the advancement of minorities and women under the authority of Executive Orders 11246 and 11375. It also enforces the affirmative action and nondiscrimination provisions of the Rehabilitation Act of 1973 and, as an agent of the Equal Employment Opportunity Commission, the Americans With Disabilities Act of 1990. It ensures that contractors comply with the provisions of the Vietnam Era Veterans Readjustment Assistance Act of 1974 providing affirmative action by Federal contractors to employ, and advance in employment, special disabled and Vietnam era veterans.

The FY 1999 Budget includes funds to continue OFCCP's Fair Enforcement Initiative which began in FY 1998. The Fair Enforcement Initiative includes a

streamlined tiered compliance review process which reduces contractor burden while enabling the agency to target the most serious violations. The tiered review process also will enable OFCCP to reach more of the contractor universe, resulting in a 10 percent increase in FY 1999 in the number of compliance reviews conducted. In addition, through the completion of various regulatory changes, OFCCP will reduce contractor burden by at least 30 percent. OFCCP will modernize its computer systems in order to streamline internal procedures permitting the agency, for example, to accept electronically submitted reports from contractors. The Fair Enforcement Initiative, which includes technical compliance assistance, will increase the effectiveness and efficiency of the agency while addressing the persistent problem of systemic discrimination in the workplace.

The Department of Labor (DOL) also operates numerous employment and training programs that seek to enhance the skills and abilities of the nation's workforce. To ensure that these programs are administered in a non-discriminatory manner, the Civil Rights Center (CRC) at the Department of Labor is responsible for enforcing the Federal statutes and regulations that prohibit discrimination in all DOL financial assistance programs and prohibit discrimination on the basis of disability by certain public entities and in activities conducted by DOL. CRC employs a proactive approach towards reducing discrimination, by promoting voluntary compliance with existing non-discrimination laws through education and technical assistance to mitigate the number of complaint filings. To further reduce complaint workload, CRC plans to expand the number of technical assistance visits made to the States to ensure voluntary compliance. The CRC also intends to encourage the States to promote the use of alternative dispute resolution in complaint processing programs at the state level. Methods of Administration (MOA) agreements which are signed by the states as a condition of receiving employment and training funds have also been an effective tool in assisting states in addressing discrimination by ensuring that uniform systems are in place to enforce applicable nondiscrimination laws.

Combating Housing Discrimination and Promoting Fair Housing Activities

Despite 30 years of laws and regulations prohibiting housing discrimination, fair housing audits continue to show high indices of discrimination, and mortgage lenders reject minority applicants at higher rates than white applicants. Builders continue to construct housing inaccessible to disabled persons in violation of the Americans with Disabilities Act.

The Department of Housing and Urban Development (HUD) has overall responsibility for the promotion of fair housing and enforcement of the Fair Housing Act of 1968, as amended, which prohibits discrimination on the basis of race, color, gender, religion, national origin, disability or familial status in the sale or rental,

provision of brokerage services, or financing of housing. The Office of Fair Housing and Equal Opportunity (FHEO) administers two grant programs: the Fair Housing Assistance Program (FHAP), which provides financial assistance to supplement enforcement activities of States and localities which have passed laws substantially equivalent to Federal fair housing laws; and the Fair Housing Initiatives Program (FHIP), which is a competitive grant program that provides funding to private fair housing groups to carry out activities that assist in enforcement and furthering compliance with the Fair Housing Act. These fair housing activities are designed to ensure citizens the freedom and dignity of choosing where to live.

At the State and local government level, agencies with laws equivalent to the Federal Fair Housing Act are estimated to increase from 78 in 1997 to 85 in 1999, and the number of cases processed by these agencies are estimated to increase from 3,797 in 1997 to 6,100 in 1999. FY 1999 funding for the FHAP program is proposed at \$23 million, an \$8 million increase over the FY 1998 level, to support the expected creation of additional State and local fair housing organizations that will meet the needs of currently underserved populations and will be used for joint investigations and enforcement activities.

The FY 1999 Budget also proposes \$10 million for a targeted, audit-based enforcement initiative that would raise the Nation's and communities' awareness of the extent of discrimination through focused and publicly released audit results and subsequent enforcement actions. Paired testing, in which otherwise identical white and minority testers approach realtors or landlords, is a particularly effective method of detecting housing discrimination. This initiative provides for non-profit housing organizations to undertake audit-based fair housing enforcement in 20 areas nationwide to develop local indices of discrimination, to identify and pursue violations of fair housing laws, and to promote new community fair housing enforcement initiatives. The Administration believes that this systematic and focused strategy, replicated across the country, could substantially aid in detecting and reducing levels of housing discrimination. The FY 1999 budget also includes a \$4 million increase in flexible funding for fair housing initiatives, to strengthen Secretary Cuomo's "One America" initiative, including his pledge to double the number of enforcement actions taken by HUD on discrimination complaints. In total, the FY 1999 Budget proposes \$52 million for fair housing activities to enable HUD to meet its goals of reducing discrimination and ensuring equal opportunity in housing.

Enforcing Civil Rights in Education and Health Programs

Although much progress fighting discrimination in our schools has been made in the past three decades, the reality of discrimination—sometimes flagrant—remains. Investigations in thousands of cases annually by the Department of Education's Office for Civil Rights

reveal that discriminatory tracking and assessment practices continue, to the detriment of hundreds of thousands of minority, limited English proficient, disabled, and female students. Additionally, instances of racial and sexual harassment continue as pervasive problems that must be addressed.

The Office for Civil Rights (OCR) at the Department of Education is charged with ensuring equal access to education and promoting educational excellence throughout the Nation through vigorous enforcement of civil rights laws and regulations. These laws are: Title VI of the Civil Rights Act of 1964 (prohibiting race, color and national origin discrimination); Title IX of the Education Amendments of 1972 (prohibiting sex discrimination); Section 504 of the Rehabilitation Act of 1972 (prohibiting disability discrimination); Age Discrimination Act of 1975; and Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination in State and local government services). Also, OCR enforces civil rights provisions in Title V, Part A, of the Elementary and Secondary Education Act (the Magnet Schools Assistance program), and provides technical assistance to Federal award recipients and beneficiaries, the public and other organizations in an attempt to obtain voluntary compliance with civil rights laws.

OCR's purview currently encompasses a range of issues: discrimination against minorities in special education and remedial courses; discrimination of minorities in math and science and other advanced placement courses; disability discrimination; access to programs for limited English proficient (LEP) students; racial and sexual harassment; discrimination in testing/assessment; gender equity in athletics; and higher education and elementary and secondary school desegregation. Over 50 percent of the complaints OCR receives annually are for disability. On average, OCR receives and resolves over 5,000 discrimination complaints annually. OCR selects its compliance reviews based on field assessments of the greatest problems of unredressed discrimination in the regions. Currently, the greatest percentage of compliance reviews are in the area of race discrimination.

With its increased funding levels in 1998, OCR will hire additional attorneys, reducing its current attorney/case ratio in order to improve the timeliness of its complaint resolutions and increase its compliance reviews. OCR's 1999 budget, an increase of \$6.5 million over FY 1998, will enable it to maintain its increased staffing level, as well as to fund technology improvements and complete the Elementary and Secondary Education School Survey. It will also allow OCR to pursue its goal of building collaborative relationships with parents, students, and educators—focusing on preventing discrimination rather than just remedying it—and building partnerships with States to address statewide compliance with civil rights laws and regulations. A key element of its enforcement strategy involves educating the public about its rights and responsibilities and creating linkages among recipients, beneficiaries, and

community groups for the purpose of achieving the shared goal of civil rights compliance. For example, OCR has encouraged parental involvement in monitoring voluntary action plans. These approaches require a significant investment in time and resources to provide the necessary technical assistance.

Federal health care and social services programs are the responsibility of the Department of Health and Human Services' Office for Civil Rights (OCR). The OCR enforces compliance with Civil Rights statutes to ensure that people have equal access to and do not face discrimination in HHS programs, particularly in the areas of managed care, quality of health care, inter-ethnic adoption, services to limited English proficient persons, and welfare reform. OCR investigates complaints, undertakes pre- and post-grant reviews, and provides outreach and technical assistance. The Civil Rights statutes OCR enforces include Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title II of the Americans with Disabilities Act of 1990, Title VI and XVI of the Public Health Service Act, parts of the Omnibus Reconciliation Act of 1981 related to non-discrimination within block grant programs, the Multiethnic Placement Act of 1994, and the Small Business Protection Act of 1996 (interethnic adoption provisions).

Over the past few years, HHS' OCR has focused more of its resources on non-complaint activities and increased use of alternative methods to resolve complaints faster. With additional funding in FY 1999, OCR will undertake an increased number of compliance reviews in priority program areas to ensure that discrimination is not occurring within HHS-funded programs and provide more technical assistance and outreach.

Government-wide Civil Rights Enforcement and Monitoring

The Department of Justice, Civil Rights Division, serves as the chief civil rights enforcement agency of the Federal government. It has primary responsibility for Federal civil rights litigation and is charged with coordinating Federal civil rights policy. The Division enforces a number of laws providing civil and criminal protections from discrimination on the basis of race, color, religion, gender, national origin, disability, age, familial status, citizenship status, marital status, and source of income, in such areas as employment, education, public accommodations, housing, lending, and programs receiving Federal assistance.

The Attorney General has delegated to the Civil Rights Division primary litigation authority for enforcement of the Civil Rights Act of 1964, the Fair Housing Act, the Equal Credit Opportunity Act, the Americans with Disabilities Act, the Freedom of Access to Clinic Entrances Act, and a number of criminal and civil statutes, including laws prohibiting police misconduct. The Division also enforces Federal constitutional and statutory rights in institutions covered by the Civil Rights

of Institutionalized Persons Act. The Division has instituted a successful mediation program in its Disability Rights Section (the one area where the Division handles initial complaints, rather than referrals from other government agencies).

The increased funding proposed in the FY 1999 Budget will allow the Civil Rights Division to significantly expand investigations and prosecutions of police brutality and misconduct, including pattern and practice cases, as well as violations of the Americans with Disabilities Act. The Budget includes a \$1 million increase to enhance the Division's coordination of Federal civil rights enforcement, and \$1.5 million for improvements in information technology, trial preparation, and courtroom presentations.

Finally, the U.S. Commission on Civil Rights has a broad ranging mandate to monitor and report on the status of civil rights' protections in the United States. As an independent, bipartisan agency of the Federal Government, the Commission strives to keep the President, the Congress, and the public informed about civil rights issues that deserve concentrated attention, and to appraise Federal laws and policies with respect to

discrimination or denial of protection of the laws because of race, color, religion, gender, age, disability, or national origin, or in the administration of justice. In doing so, it continually reminds all Americans why vigorous civil rights enforcement is in our national interest.

To meet these responsibilities, the agency evaluates Federal civil rights enforcement programs; investigates and studies allegations of discrimination; maintains a network of regional offices and State Advisory Committees that give the Commission a local presence in communities across the country; and educates the public about civil rights. The additional resources being requested for FY 1999 will allow the Commission on Civil Rights to address more fully today's critical, and still evolving, civil rights problems, including police brutality, hate crimes, and disability rights issues. At the same time, the Commission has taken important steps toward improving the efficiency and effectiveness of its operations. These improvements will help to ensure that the FY 1999 resources are more effective in advancing civil rights in the United States.

Tom:

In addition to Chapter 12, Civil Rights Enforcement Funding, the Budget will have other references to civil rights. I have attached these for your reference and information:

- Chapter 8: Strengthening the American Community - There is a "text box" on enforcing civil rights, and brief discussion of the HUD testers program.
- Part VI, Performance Measures for the Law Enforcement Function - there are two measures for civil rights, one for EEOC and one for HUD fair housing.

Susan.

8. STRENGTHENING THE AMERICAN COMMUNITY

5

Enforcing Civil Rights

Federal civil rights laws reflect the Nation's respect for core values that bind together diverse segments of the American community. These laws protect Americans' rights to equal access to educational opportunities and equal opportunity in the workplace, and their rights to live where they want and practice the religious faith they choose. As the population grows more and more diverse, the Nation must continue to ensure that all of its citizens have the same chance to prosper.

Federal civil rights agencies enforce our laws against discrimination. Effective enforcement promotes the economic well-being of Americans who seek good jobs, a better education for their children, and the chance to become self-sufficient. The Nation must enforce its civil rights laws fairly, consistently, and aggressively, and that requires adequate funding for these agencies

The budget proposes \$622 million for civil rights enforcement agencies, an increase of \$57 million over the 1998 level, including the necessary funds to improve compliance; expand the use of alternative dispute resolution methods; improve information systems; and develop better data collection capabilities for research and enforcement. For more information on these initiatives, see Chapter 12 of *Analytical Perspectives*, "Civil Rights Enforcement Funding."

the process of financing home purchases and repairs; and opening markets for women, minorities, central-city home buyers, and others traditionally locked out of conventional lending markets. Along with a strong economy and low interest rates, this effort has helped boost homeownership to 66 percent—an all-time high; 5.8 million Americans have become homeowners under this Administration, including record numbers of minorities.

But the job is not done. Homeownership in central cities and among women, minorities, and lower-income Americans hovers at or below 50 percent. Consequently, to boost homeownership among these groups, the budget proposes \$25 million for a Neighborhood Reinvestment Corporation pilot program to help renters with solid payment track records own their own homes. The budget also proposes a Home Loan Guarantee program to allow States to use HOME funds to leverage private loans for large-scale, affordable housing developments in distressed areas. To expand housing opportunities and combat discrimination, the budget proposes that HUD fund fair housing enforcement using paired testers—a proven method to detect discrimination—in 20 ~~metropolitan~~ ^{community} areas in order to develop local indices of discrimination, identify and pursue violations of fair housing laws, and promote new community fair housing enforcement initiatives.

To spur the private sector to develop more affordable rental housing for low-income Americans, the budget proposes a major expansion of the Low Income Housing Tax Credit, which will help develop another 150,000 to 180,000 affordable housing units over the next five years. Currently, the credit helps develop 75,000 to 90,000 affordable units a year. The proposal, which will cost \$1.6 billion over the next five years, will restore the value of the tax credit, which has eroded over the last decade due to an increase in building costs. The credit helps to reduce the cost of rent by an average of \$450 a month for the average housing credit renter who, in turn, earns \$13,300 a year.

For public housing, the Administration has advanced the most profound changes in over a generation, replacing the most dilapidated developments with smaller scale, affordable housing and portable vouchers; restoring management excellence to troubled housing agencies; providing incentives for tenant self-sufficiency; and strengthening occupancy and eviction rules. The budget builds on the progress by supporting efforts to demolish 54,000 of the worst public housing units in the next three years and replace them with portable subsidies or newly constructed mixed income housing. The budget also proposes \$283 million for 50,000 portable housing vouchers for families seeking to move from welfare to work. Local housing agencies that

Part VI - Function Chapters

27. ADMINISTRATION OF JUSTICE

5

(Separately, the Office of National Drug Control Policy will present a comprehensive set of societal performance measures for anti-drug programs, recognizing that achieving national drug control objectives depends critically on the actions of not only the Federal Government, but of State, local, and foreign governments and on the behavior of individuals.)

With regard to immigration and border control:

- The Justice Department will reduce the average time between application and naturalization of qualified candidates from an estimated 24 months in 1997 to 6 to 10 months in 1999.
- The Treasury, Justice and Agriculture Departments will increase the percent of legitimate air passengers cleared through primary inspection in 30 minutes or less from an estimated 31 percent in 1997 to 39 percent in 1999; and will work to process legitimate land border travelers through the primary inspection process on the Mexico border in 30 minutes or less in 1999.
- The Justice Department will increase the number of removals of aliens who are illegally in the United States from 111,000 in 1997 to about 132,900 in 1999.
- The Justice Department will identify over 45,000 unauthorized workers, thereby

opening up potential jobs for U.S. citizens and other legally authorized workers.

- The Treasury Department will increase trade revenue from duties collected and enhance the accuracy of trade data by improving importers' compliance with trade laws (e.g., quotas, trademarks, and copyrights) from 83 percent in 1997 to 89 percent in 1999.

With regard to civil rights and other matters:

- The Equal Employment Opportunity Commission will reduce the average time to process private sector equal employment complaints by doubling the number of complaints eligible for the mediation-based alternative dispute resolution program.
- The Department of Housing and Urban Development (HUD) will ensure that HUD grantees in 20 communities undertake fair housing audit-based enforcement, using a HUD-developed standardized methodology, to develop local indices of discrimination, to identify and pursue violations of fair housing laws, and to promote new fair housing enforcement initiatives at the local level.
- The Treasury Department will step up its efforts to disrupt and dismantle the illegal activities of major violators of Federal financial crimes laws (e.g., counterfeiting, forgery, money laundering, and credit card fraud).

CR Eng. Announcement



Andrew J. Mayock

01/17/98 10:01:12 AM



Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

Subject: EEOC/Civil Rights Announcement Plan

Below is the latest version of the announcement plan. Please review and provide comments. Thanks.

EEOC/Civil Rights Announcement

I. **TALKING POINTS, Q&A, PRESS RELEASE INFO** (to be completed today)
(Q&A to include the following issues: backlog, DOJ civil rights coordination funding, EEO chair and board, EEO reform)

II. **PRESS**
The following media were contacted yesterday: Newsweek, L.A. Times and Cox/Atlanta Journal-Constitution - Kagan on policy; Liss on speech background; Lee on civil rights enforcement.

III. **EVENT PARTICIPANTS**
Judy Winston and John Hope Franklin will be attending. Bill Lann Lee will be in Detroit.

IV. **OUTREACH PLAN**

PUBLIC:

Wade Henderson - Ben

Mary Berry - Ben

Karen Narasaki - Doris

Judy Lichtman - Women's Ofc.

Nancy Zirkin - Doris

Antonia Hernandez - Maria

Disability contact - already know according to Bill White

Marca Bristow - Bill White

Gay and Lesbians (no need not be alerted according to Richard Socarities)

AGENCIES:

HUD, Jackie Lawing - Tom

DOJ, Bill Lan Lee - ~~Tom~~ Elena

USDA, Greg Frazier - Tom

Ed, Norma Cantu - Tom

HHS, Bill Corr - Tom

Transportation, Nancy McFadden - Tom

US Commission on Civil Rights, Mary Frances Berry - Ben

CONGRESSIONAL:

Leadership

Daschle - Murguia
Gephardt - Jacoby
Lott - Murguia
Gingrich - Murguia

Caucus

CBC/Waters - Murguia
CHC/Becerra - Murguia
Asian Pacific Caucus - Murguia

Senate Approps. - Commerce, Justice, State Subcomm. - EEOC Leg. Affairs

Gregg, Hollings
Domenici, Inouye
McConnell, Bumpers
Hutchison, Lautenberg
Campbell, Mikulski

Senate Labor Committee - EEOC Leg. Affairs

Jeffords
Kennedy

House Approps. - Commerce, Justice, State Subcomm. - EEOC Leg. Affairs

Rogers, Obey
Kolbe, Mollohan
Taylor, Skaggs
Regula, Dixon
Forbes
Latham

House Education and Workforce Committee - EEOC Leg. Affairs

Fawell
Payne

Others

Lewis - Murguia
Norton - EEOC Leg. Affairs
DeGette - EEOC Leg. Affairs
Mosely-Braun - Murguia

Message Sent To:



ONE AMERICA IN THE 21ST CENTURY

The President's Initiative on Race

*The New Executive Office Building
Washington, DC 20503
202/395-1010*

November 30, 1997

President William J. Clinton
The White House
Washington, DC 20503

Dear Mr. President:

Since our appointments, your Advisory Board members have received many reports containing information about discrimination and racial disparities in several key areas including education, housing, employment, health and in the administration of justice. You may recall that on September 30, 1997, the Advisory Board discussed and reviewed research about the nature, extent and manifestation of contemporary racism. On November 10th, a number of Advisory Board members participated in the White House Hate Crimes Conference and discussed major shortcomings in hate crimes data collection and enforcement of civil rights laws related to hate crimes prosecution.

More recently, the Initiative staff provided, at my request, a summary of key racial discrimination and civil rights enforcement research material. This material formed part of the Advisory Board meeting held on November 19, 1997 at the University of Maryland. While there is much more that we need to know and discuss about race and national origin discrimination, there are several areas upon which the Board would like to provide recommendations to you.

The data we have received and reviewed indicate that actionable illegal discrimination on the basis of race and national origin is still active and the source of harmful consequences to men, women, and children who are the targets of this discrimination. Such discrimination in education, housing, and employment contribute to growing isolation and feelings of alienation. They further impede our ability to live, work, and grow together as One America, free from prejudicial, stereotypical thinking and discriminatory behavior.

Information we have received also make clear that for the last two decades, civil rights enforcement agencies have had their budgets and staffing reduced while many of their responsibilities have been increased. While there have been some increases in funding in recent years, often the funding level has not kept pace with the increasing volume of cases or the need for careful compliance investigations.

The increasing demands on civil rights enforcement agencies make it particularly difficult, in the view of the Advisory Board, for these agencies to devote sufficient time and attention to training staff and providing technical assistance to recipients of Federal funds to recognize and act to prevent discrimination. This is especially true for the increasingly subtle and complex forms of contemporary discrimination which have largely supplanted more blatant forms of discrimination typically found in earlier decades.

November 30, 1997

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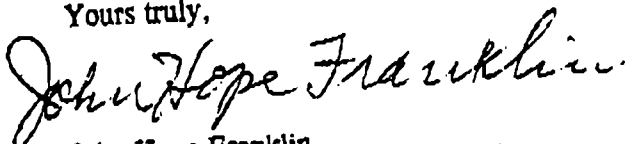
On behalf of the entire Board, I recommend the following actions to you for further attention:

- Strengthening civil rights enforcement throughout the United States: in the FY 1999 budgets, help create partnerships with States and localities that enforce comparable laws to those that operate at the Federal level, with the goal of strengthening all of the agencies' capacity to effectively enforce the civil rights laws they administer;
- Expanding and strengthening the Federal government's ability to collect, analyze, and disseminate reliable data on the nature and extent of discrimination based upon race and national origin, not of course to the exclusion of data collection on other protected classes. A well-designed and coordinated process of generating relevant indicators would then become part of an annual report covering such areas as education, health, employment, housing, and the administration of justice. Such a report would not only assist policy makers but help to increase cooperation among the various Federal agencies involved in civil rights enforcement and education. The information will also aid the public by identifying trends, and these reports and indicators can be replicated with data for local areas. Central to our concerns is the need to significantly improve the level of information about *all* minority groups.
- Implementing fully the series of bold new initiatives announced at the White House Hate Crimes Conference aimed at better data collection, enforcement, and prevention. Improved hate crimes prosecutions along with HUD's initiative to assist victims of hate crimes obtain money damages from their attackers are necessary complements to an improved capacity at the FBI to identify and track trends in hate violence.

I expect that the Board will address these issues again in subsequent meetings, and I look forward to reporting back to you on our findings and further recommendations. I would, of course, be pleased to discuss these recommendations with you.

My best wishes.

Yours truly,


John Hope Franklin