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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

January 20, 1975

MEMORANDUM FOR ADDRESSEES BELOW

Subject: Civil Rights Special Analysis

Attached is a galley of Special Analysis M, "Federal Civil Rights Activities". Its format is slightly different this year in that we are highlighting only those resources and activities that relate to the direct Federal enforcement of civil rights under law. A table will be included, however, at the end of the analysis to display those resources devoted to minority assistance programs: Indian programs, minority business enterprise assistance, minority higher education assistance, and grants under the Emergency School Assistance Act.

A broader listing of Administration highlights in civil rights and related social programs will be prepared in early February for the use of the White House/Special Assistant to the President for Minority Affairs.

*4:00 p.m.
FRIDAY
1/24/75*

IN ORDER TO MEET THE PRINTING DEADLINE, WE NEED YOUR COMMENTS AND SUGGESTIONS BY NOON WEDNESDAY. THIS IS A FIRM DEADLINE. SHOULD YOU HAVE ANY QUESTIONS, PLEASE CALL EITHER OF US ON X.3990.

Jim Robinson
Jim Robinson
Budget Examiner

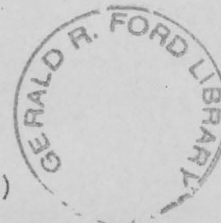
Charlene Currie
Charlene Currie
Budget Examiner

x3990

Attachment

Addressees

Mr. Stan Scott, Special Assistant
for Minority Affairs
Mr. Walter Scott
Mr. Donald Derman (Atten: Hamm)
Mr. C. William Fischer (Atten: Hanna/Jackson)
Mr. Donald Crabill (Atten: Borgstrom)
Mr. David Sitrin (Atten: Sullivan/Lewis)
Mr. Frey
Mr. Bray (Atten: Purcell/Tryck; Armburst;
Scurry/Rastetter)
Mr. Vincent Puritano
Mr. Colin Blaydon



1/24/75

Stan -

*This is now in
dummy page & is
going into final
later this afternoon.
We shall need quick
turnaround on your
comments.*

*Sorry you never got the
original!
Jim*

January 23, 1975

SPECIAL ANALYSIS M

FEDERAL CIVIL RIGHTS ACTIVITIES

COVERAGE AND SCOPE OF THE ANALYSIS

This analysis of Federal civil rights activities comprises more than the traditional programs and policies related to civil rights enforcement. In addition to Federal activities regarding the protection of such rights as voting, public accommodations, fair housing, and equal employment opportunity in the public and private sectors, there are included Federal programs related to civil rights research and information dissemination and to the conciliation and prevention of racial disputes. Outlays to enforce these civil rights have risen from \$90 million in 1970 to [\$350] million in 1976.¹

【Outlays for Civil Rights Activities—CHART】



¹ The thrust of this analysis focuses on civil rights enforcement activities. Because of the conceptual difficulties inherent in developing data on minority assistance programs, including duplication and lack of reliability of some data, the discussion of such programs previously included has been deleted. However, for comparative purposes a table on minority assistance (M-4) appears at the end of this analysis. Outlays under the Emergency School Aid Act as project grants will also be included in table M-4 rather than under enforcement.

Table M-1 FEDERAL CIVIL RIGHTS OUTLAYS BY PROGRAM CATEGORY

(in millions of dollars)

	1974 actual	1975 estimate	1976 estimate
Civil rights enforcement: ¹			
Federal service equal employment opportunities.....	113.82	144.93	164.19
Military services equal opportunities ²	37.78	41.72	42.66
Private sector equal employment opportunities.....	73.10	92.32	103.02
Equal educational opportunity ³	11.89	19.41	21.14
Fair housing ⁴	13.50	15.92	17.64
Enforcement and investigation ⁵	24.12	26.97	28.52
Research and information dissemination.....	9.02	9.88	10.01
Indian programs.....	.41	.89	.72
Civil rights conciliation and prevention of disputes.....	3.79	3.74	3.93
<i>Underline bold type</i> Total.....	<u>287.43</u>	<u>355.78</u>	<u>391.83</u>

¹Civil rights enforcement programs guarantee and protect the basic civil rights as defined by law.

²Excludes outlays of \$15.4 million for contract compliance, fair housing and title VI activities reported elsewhere.

³Includes U.S. Coast Guard.

⁴Excludes outlays under the Emergency School Aid Act

⁵Excludes funds for contract compliance and departmental personnel who directly administer housing and urban development programs but also concern themselves with the objectives of fair housing laws.

⁶Includes all title VI efforts except HEW and HUD.



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THE BUDGET FOR FISCAL YEAR 1976

Programs relating to problems of the economically and socially disadvantaged, even when they include substantial minority participation whether in manpower training, community development, or bilingual education, will not be treated as civil rights activities for they are more properly considered in other analyses in this document.²

Federal service equal opportunities.—The head of each Federal executive department and agency is charged by Executive Order 11478 and the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 (Public Law 92-261), with establishing and maintaining an affirmative program of equal employment opportunity within the agency. Enforcement responsibility for the Government-wide program is assigned by law and Executive order to the Civil Service Commission and special procedures are available to employees and applicants who believe they have been discriminated against in any aspect of Federal service. Under these procedures, 31,484 persons contacted equal employment opportunity counselors during 1974 for advice and assistance, and of this total, 3,435 filed formal discrimination complaints. If equal employment opportunity counseling, impartial investigation and a third-party hearing do not resolve the matter to an individual's satisfaction, the complainant may appeal to the Commission's Board of Appeals and Review or may file a civil action in U.S. District Court.



² For example, expenditures for minority participants in manpower training programs [41%] are not included. See Special Analysis J, Federal manpower programs.

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Government policy is clear that personnel actions shall be free from discrimination based on race, color, religion, sex or national origin and that Federal agencies shall take affirmative action to assure equal employment opportunity. Agency equal employment opportunity programs are documented in written national and regional plans of action which include, where appropriate, agency established goals and timetables for increasing opportunities for minorities and women. These plans must be submitted to the Commission annually for review and approval. Careful consideration is to be given to assure that recruitment activities reach all sources of job candidates, that present employee skills are fully utilized, that opportunities for upward mobility are provided and that managers are trained with regard to their equal employment opportunities responsibilities.

Outlays for Federal civil service employment opportunity programs (including upward mobility) will increase by [32%] in the 2 years, 1974 to 1976 to [\$125] million. Work-years will increase by [892] to [3,849]. Although firm projections on the results of these increased efforts are difficult to make, the favorable trends observed in recent years should continue.

As of November 30, 1973, over one-fifth (20.9 percent) of Federal employees were members of minority groups. Recent surveys have reflected a continuing trend of more minorities in the middle and upper grade and pay levels despite a decrease in overall Federal employment. As of October 31, 1973, women represented 40.8 percent of the non-postal full-time Federal white-collar work force. Despite an overall decrease in general schedule employment of 11,232 positions, the number of women increased by 1,926 from October 1972 to October 1973, while the number of men decreased by 13,158.

Two special emphasis programs address the specific employment problems of particular groups. Within the overall equal employment opportunity program, the Federal women's program addresses the particular employment needs and problems of women, and the Spanish-speaking program assists in providing opportunities for Spanish-speaking citizens. The successful placement of many additional women and Spanish-speaking Americans in middle-management and executive-level Federal jobs during a period of employment contraction is largely attributable to special efforts under these programs.

Finally, under the Intergovernmental Personnel Act of 1970, the Civil Service Commission provides financial and technical assistance in personnel management and employee training and in monitoring merit employment requirements applicable to many State and local grant-in-aid programs. Major emphasis is placed on equal employment activity. Under this program in 1974, the Commission has:

- Awarded grants for 23 State and local government projects relating to equal employment opportunity.
- Aided more than 500 State and local agencies administering grants-in-aid in the development of affirmative action plans.
- Made over 4,000 contracts geared to removing artificial employment barriers and improving personnel systems at State and local levels through expenditures for equal employment opportunity related technical assistance.



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In 1976, the Commission will award \$0.7 million in grants relating to equal employment opportunity under this act.

Military services equal opportunities.—Each of the military services has placed equal opportunity officers and their staffs at various levels within individual command structures. They guide, monitor, and evaluate all matters pertaining to the equal opportunity and treatment of military personnel and their dependents and are responsible for and participate in race relations councils, seminars, and training. In 1975, outlays for providing equal opportunities for members of the Armed Services, excluding fair housing expenditures, will increase [48%] to [\$52] million.³ An additional [515] work-years will be devoted to these efforts.

Equal opportunity for servicewomen has received added emphasis. As the number of women in the military services continues to rise at a rapid rate, greater utilization is being made of their talents. The Army has now opened [90%] of their enlisted occupational specialties to women as opposed to 30% previously. All services are now training women as noncombat pilots. The Air Force has increased the skill ladders open to women from 43% to 98%. All services have opened their ROTC programs to women and five women serve at general/flag officer rank in the military services.

³ Military services equal opportunities includes the U.S. Coast Guard.



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The Defense Race Relations Institute, located at Patrick Air Force Base, Fla., trains officers and enlisted men for service with their units as instructors. The Institute has graduated over 3,322 instructors from all the services in the past 4 years. Training and education in race relations are included in service schools ranging from basic training to the senior service colleges. Special programs are also designed to increase minority participation in skilled jobs, examine current testing procedures for cultural bias, and to develop race relations handbooks.

Recruiting efforts will continue to insure balanced minority participation in the military services. All services have increased the percentage of minority recruiters. An example of success is the service academies where the enrollment of 465 minority cadets in the 1974 class is double the number entering in 1971. Presently there are over 1,103 minority cadets enrolled in the academies. Significant progress has also been made in procuring minority officers from reserve officer training programs and officer candidate training schools and in the detailing of qualified minority officers to attend senior and intermediate level professional military schools.

At the present time, there are 18 minority general officers on active duty. Prior to 1971, only four minority officers had ever achieved general/flag officer rank in the entire history of the Armed Services. Minority personnel have also been increasing their proportion in the top enlisted ranks, and currently, the top enlisted position in the Air Force is held by a minority.

Private sector opportunities.—Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin by either employers, unions, or employment agencies. Executive Order 11246, as amended, requires Federal and federally assisted Government contractors and subcontractors to provide similar opportunities. Outlays for the agencies charged with these responsibilities, the Equal Employment Opportunity Commission, the Justice Department, the Department of Labor and 16 cooperating agencies, will total [\$94] million in 1976, an increase of [21%.]

The Equal Employment Opportunity Commission will spend \$60.3 million in 1976, an increase of 12%, to carry out its responsibilities relating to nondiscrimination in employment in the private sector and State and local government. An estimated 77,700 charge resolutions are projected through the combined efforts of the Commission and State and local agencies to which, under law, charges are deferred. The Commission will more than double to \$8 million the amount of its grants to these State and local agencies which administer fair employment practices statutes in order to bring such agencies into a full partnership in handling an increasing volume of charges. As a result of these actions, an estimated 40,000 persons will receive \$70 million in cash benefits in 1976.

Enforcement of title VII, as amended, is also the responsibility of the Justice Department which, through conciliation and litigation, seeks to secure compliance with the law where it finds patterns or practices of employment discrimination in State and local governments and their agencies. In 1976, the Justice Department plans to



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spend **[\$2.9]** million to help eliminate such discrimination in the State and local public sectors.

Executive Order 11246 prohibits the practice of discrimination in Federal contracts, subcontracts, and on federally assisted construction projects. Nondiscrimination assurances cover construction as well as industrial work forces and require affirmative action on the part of recipients of Federal contract moneys to promote the equal employment of minorities and women. In 1976, the Federal agencies responsible for implementing this order will spend **[\$36.5]** million, **[48%]** more than the 1974 outlays of **[\$24.7]** million. Approximately 500,000 new hires and promotions will have been promised in or achieved by such affirmative action goals.

Seventy "citywide" plans for affirmative action in the construction industry, including the well-known "Philadelphia plan," have been put into effect. In addition, the Office of Federal Contract Compliance, Department of Labor is continuing to develop proposals for statewide construction contracts. The goal for 1976 is to insure that all areas with substantial minority populations are covered under either a voluntary or imposed affirmative action plan.

Other highlights include:

- The Federal Communications Commission, an independent regulatory agency, will spend \$0.4 million in 1976 to investigate complaints of employment discrimination by broadcasters, cable



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- television systems, and common carriers, to review licensees' annual reports of employment patterns, and to enforce the rules of the Commission relating to equal employment opportunity.
- The Department of Labor will spend **[\$4.0]** million in administering the Equal Pay Act. In 1976, as a result of these efforts, \$9.1 million in wages illegally withheld will be received by 44,000 employees, primarily women. An additional \$13.7 million in annual future income will also be forthcoming.

Equal education opportunity.—The Department of Health, Education, and Welfare and the Justice Department have primary responsibility for assuring equal educational opportunity in public schools for all citizens and a nondiscriminatory policy relating to faculty and administrators. In 1976, educational programs in support of these goals will spend **[\$259]** million, excluding capital assistance to predominately black colleges (developing institutions and land-grant colleges), an increase of **[23%]**.

To enforce Federal laws requiring equal education opportunities for public school students, the Justice Department will spend **[\$2.8]** million in the coming year, an increase of **[13%]**. Although substantial compliance with the constitutional mandate has been achieved in recent years, the Justice Department continues its enforcement



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supervision through [235] cases involving [540] schools systems.⁴ Currently, the Federal Government is also taking steps to provide equal educational opportunity for Spanish-speaking and other non-English-speaking pupils by insuring that special education programs and bilingual and bicultural education programs are provided.

Title IX of the Higher Education Amendments of 1972 charged the Department of Health, Education, and Welfare with the responsibility of insuring nondiscrimination on the basis of sex in some 2,700 institutions of higher education throughout the United States. In 1976, the Department expects to conduct [224] onsite compliance reviews and to investigate [173] complaints.

Fair housing.—Title VIII of the Civil Rights Act of 1968 makes unlawful any discrimination on the basis of race, color, religion, sex or national origin in the sale, rental, or financing of housing. Executive agencies are required to cooperate with the lead agency in this area, the Department of Housing and Urban Development (HUD), in the administration of title VIII, and to conduct their programs and activities in a manner that affirmatively furthers fair housing opportunities for all Americans.

Expenditures for the administration of fair housing programs in executive departments and agencies will increase by [15%] in 1976 to [\$16.8] million.

- HUD will spend \$5.2 million to strengthen its efforts under title VIII and enable it to reduce the backlog in the reactive complaint system.
- The Department of Justice will spend [\$1.9] million in the development, litigation, and negotiation of cases to enforce title VIII.
- The Department of Defense will spend [\$5.3] million to assure the rights of all military personnel to available off-base housing.
- The General Services Administration (GSA) will spend \$1 million to assure that federally constructed, purchase-contract or leased space is located where there is an adequate supply of low- and moderate-income housing available on a nondiscriminatory basis.
- In cooperation with the fair housing goal of the executive branch, the independent Federal financial regulatory agencies will continue to monitor the institutions subject to their supervision to assure that their real estate lending services are available without regard to race, color, religion, sex, or national origin.
- The Housing and Community Development Act, approved in 1974, prohibits sex discrimination in connection with the sale, rental or financing of housing.

⁴ The desegregation of schools is progressing nationwide. The Administration will continue its commitment to assist school districts in this important process by requesting future support for the Emergency School Aid Act. In 1976, \$145 million will be spent under this program for project grants throughout the Nation to assist school districts in overcoming the effects of minority group isolation. These discretionary funds will permit a flexible approach to insure educational achievement in districts that are desegregating.

Since this money represents project grant money rather than an enforcement effort directed by on the scene Federal personnel, it is included under minority assistance programs in table M-4.



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- The Equal Credit Opportunity provision (title V of Public Law 93-495), approved in 1974, makes it unlawful for any creditor to discriminate against any applicant on the basis of sex or marital status with respect to any aspect of credit transactions, including those relating to real estate.

HUD will continue its efforts to insure that the administration of all Federal housing-related programs further the fair housing objectives of title VIII. Such efforts include oversight of affirmative marketing and advertising guidelines and policies for project selection of federally assisted programs; a national advertising campaign and expanded affirmative action programs aimed at all elements of the public; and communitywide hearings and reviews of title VIII compliance.

The Justice Department has brought [154] suits against [427] defendants in [28] States and the District of Columbia aimed at securing comprehensive affirmative relief to correct the effects of past housing discrimination and to maximize equal opportunity in the future. In addition, more than [216] voluntary compliance agreements have been negotiated with title insurance companies, real estate boards, private apartment house owners, and realtors nationwide, increasingly involving associations rather than individual entities. The Department's efforts are supplemented by private lawsuits under the Fair Housing Act and complaints to the Secretary of HUD.

The Defense Department expects to continue its successful implementation of the open off-base housing program. In 1967, less than 20% of the multiunit rental facilities surveyed were indicated as available to all military personnel on an equal opportunity basis. Today, [98%] of surveyed facilities are pledged to a policy of nondiscrimination. Recently, Defense revised its procedures to take stronger measures against landlords practicing race and sex discrimination. In 1976, Defense will devote [501] years of effort to furthering this record of achievement.



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THE BUDGET FOR FISCAL YEAR 1976

Table M-2. FEDERAL CIVIL RIGHTS OUTLAYS BY TYPE OF ACTIVITY

GSA, under Executive Order 11512, will expend 46 work-years on matters relating to the positive impact that selection of sites for Federal facilities can have on the social and economic conditions in the area. GSA and HUD are continuing to develop affirmative action plans where necessary to insure that an adequate supply of low- and moderate-income housing will be available on a nondiscriminatory basis. For agencies like Energy Research and Development Administration which procure space and facilities on their own, efforts similar to the above will be carried out.

Civil rights enforcement.—Primary responsibility for the enforcement of civil rights laws and constitutional guarantees is vested in the Justice Department. This includes the development, negotiation, conciliation, and litigation of cases and complaints. In 1976, the Justice Department and other agencies with enforcement responsibilities will spend [\$—] million, an increase of [XX%] to carry out the above mandate. In addition to activities related to employment discrimination, fair housing and public education, which are treated elsewhere in this analysis, the efforts of the Department will strengthen its coordination of Federal agencies' enforcement activities under title VI of the 1964 Civil Rights Act which prohibits discrimination in federally assisted programs and under the general revenue sharing legislation. Increased emphasis by the Department should



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result in a continuing improvement of title VI enforcement. The Department will also continue its enforcement activities directed toward compliance with laws which prohibit the interference with basic civil rights, including the right to vote and the use of public accommodations and facilities.

In 1976, the Justice Department will continue to allocate resources as necessary for investigation and litigation to protect the civil rights of citizens who may have suffered violence or threats of violence including special protections for migrant workers, prison inmates, and, along with the Interior Department, American Indians. Attention will also continue to be directed to civil litigation involving injustices and substandard conditions in correctional institutions, mental hospitals, and juvenile homes.

The voting rights program continues its efforts to secure to all citizens the right to register and vote without discrimination or intimidation. In addition, all proposed changes affecting voting under section 5 of the Voting Rights Act of 1965 are submitted to the Attorney General and must be investigated, reviewed, and adjudicated in the Department of Justice. 3,847 such changes have been received since 1970. In support of the voting rights program, the Civil Service Commission provides personnel to prepare and maintain lists of eligible voters and to observe election procedures in States or other political subdivisions designated by the Attorney General. The Commission receives complaints, hears and determines challenges, and assists in the defense of challenge cases filed in the U.S. circuit courts of appeals. In 1976, the Commission will spend [\$0.5] million to assist in this responsibility.

Civil rights research and information dissemination.—Expenditures grouped in this category include all moneys for civil rights activities not counted elsewhere as well as Federal research and information dissemination efforts. Outlays will increase [14%] in this area to [\$10.2] million in 1976.

- The Commission on Civil Rights will spend \$7.74 million in 1976 to carry on its factfinding function relating to denials of equal protection under the law.
- The Women's Bureau, Department of Labor, will devote [\$1.9] million to questions and issues relating to the utilization of womanpower and the economic, legal, and civil status of women. The Bureau works with appropriate State, national, international, local, and union organizations, and concerned individuals in achieving its goals and also provides support services to the Citizens Advisory Council on the Status of Women.
- The women's action program, Department of Health, Education, and Welfare (HEW), will spend [\$0.4] million in 1976 to analyze the effects of HEW programs on women and the changes required to help attain equality for women.

Civil rights conciliation and prevention of disputes.—The Community Relations Service of the Department of Justice was established by title X of the Civil Rights Act of 1964 to provide assistance to communities in resolving difficulties arising from discriminatory practices which disrupt peaceful relations among citizens. It also seeks to reduce and prevent racial tensions. The Service actively



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cooperates with appropriate Federal, State, and local agencies, private and public groups, and individuals on methods and programs for the peaceful resolution of racial disputes.

In 1976, the Service will spend \$3.8 million to reduce racial tensions. This will permit an expansion in crisis resolution and State liaison activities. State liaison representatives will be working with State and local officials in developing their own crisis contingency plans to enable communities to eventually provide community relations services for themselves.



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UNITED STATES
CIVIL SERVICE COMMISSION
WASHINGTON, D. C.

Mr. Stanley Scott

Per our conversation, here is a copy of the Chairman's memorandum to the President. Let's keep in touch on this. A copy has also been sent to Fred DeBaca.

FROM —

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Irving Kator
Assistant Executive Director



CHAIRMAN

UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON, D. C. 20415

JAN 20 1975

MEMORANDUM FOR THE PRESIDENT

The Federal Government, as an employer, has made and continues to make progress in assuring equal employment opportunity for all persons regardless of their race, color, religion, sex or national origin.

Attached are the most recent statistics on employment of minorities and women in the Federal Government. They show that over one-fifth of all Federal jobs are held by minorities and nearly one-third are held by women.

These overall figures reflect the success of broad-range programs of affirmative action to assure equal opportunity in Federal employment. As a result of expanded outreach recruitment efforts aimed at all segments of our society, large numbers of qualified minorities and women are coming into the Federal service at the entrance grades and pay levels and the statistics reflect this fact. They reflect also a decided trend of upward mobility; increasing numbers of minority group members and women are moving into the better paying and higher level jobs. In order to maintain and improve upon this progress, efforts must continue to assure that lower level employees, including those who need assistance to overcome the effects of past discrimination and disadvantage, have an opportunity to gain the skills necessary to compete for higher level positions.

Each President since 1941 has issued an Executive order on equal employment opportunity, continually strengthening implementation of this vital effort in the Federal Government. In 1972, the Equal Employment Opportunity Act amended the Civil Rights Act of 1964, making the Act applicable to the Federal Government as an employer, and lodging enforcement authority with the Civil Service Commission. There is no need at this time, therefore, for another Executive order; what is needed, in my judgment, is to convey your strong personal interest in equal employment opportunity to department and agency heads and other Federal managers.

Attached is a proposed memorandum for your signature to accomplish this purpose. We have discussed the concept of this memorandum



with your Special Assistants, Stan Scott and Fred DeBaca, and they believe its issuance would be appropriate at this time.

Robert Hampton
Robert E. Hampton
Chairman

Attachments



D R A F T

MEMORANDUM FOR HEADS OF DEPARTMENTS AND AGENCIES

Chairman Hampton of the Civil Service Commission recently reported to me on what is being done to assure equal opportunity in Federal employment. I have also reviewed the most recent statistics on the employment of minorities and women in the Federal Government. It is clear that minorities and women have demonstrated their ability to compete successfully under merit principles. Over one-fifth of the jobs in Government agencies are held by Blacks, Spanish-speaking Americans, American Indians and Asian Americans. Nearly one-third of all Federal employees are women.

While I am encouraged by these figures, our efforts must continue. I believe you need to know how I view equal employment opportunity so you can provide the leadership in your own organization.

Undergirding our Nation's strength is the concept of equal opportunity for all our citizens. Decisions on the basis of factors not related to the requirements of a job clearly have no place in the employment system of any employer and particularly in that of the Federal Government.

But more than non-discrimination is needed; it is not enough merely to prohibit discriminatory practices. What is needed are strong



affirmative actions to assure that all persons have an opportunity to compete on a fair and equal basis for employment and advancement in the Federal Government. Affirmative action includes recruitment activities designed to reach all segments of our society, fair and job-related selection procedures, and effective programs of upward mobility so that all employees have the opportunity to gain skills which will enable them to compete for higher level positions in their organizations. Such actions are under way in the Federal Government. They must be continued and strengthened.

While on an overall basis, the Federal Government historically has employed large numbers of minorities and women, vigorous efforts to assure equal employment opportunity must continue, particularly in those geographical areas and agencies and installations where more progress is needed. There also continue to be program areas where special emphasis is needed. There is reason to believe, for example, that the skills of the Spanish-speaking as a group have not yet been fully tapped, and that a wider range of employment opportunities for women can yet be opened. Further, we cannot afford and must not permit persons to be locked into jobs not commensurate with their potential, and I am looking to you and to every manager in the Federal Government to see that employees, without regard to their race, national origin or sex, have an opportunity for advancement in accordance with their abilities. Moreover, men and women of all racial and ethnic backgrounds must be assured a fair opportunity to compete for and serve in positions



where they can make a maximum contribution to the important activities of the Federal Government and in which their voices can be heard in the decision-making process.

Equal employment opportunity doesn't just happen; it comes about because managers make it happen. I want equal opportunity to be reflected in every aspect of Federal employment, and I have called on Chairman Hampton of the Civil Service Commission to keep me fully informed on the progress each Federal department and agency is making in this regard.

Just as we will not condone preferences in employment decisions because of a person's race, ethnic origin or sex, we will not tolerate failure to vigorously carry out affirmative actions in support of equal employment opportunity. I am asking for your personal commitment and active involvement in helping me assure that the American ideal of true equal employment opportunity is a reality in the Federal Government.

Please make my views known to all employees and managers in your organization. Their understanding of my objective is essential; their support is required.

Gerald R. Ford



UNITED STATES
CIVIL SERVICE COMMISSION

WASHINGTON, D. C. 20415

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HONORABLE STAN SCOTT
SPECIAL ASSISTANT TO
THE PRESIDENT
THE WHITE HOUSE





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

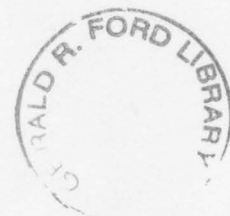
DATE: 1/30/75

TO: Mr. Stan Scott

FROM: Jim Robinson

Embargoed until Monday, February 3.

OMB FORM 38
REV AUG 73



January 28, 1975

SPECIAL ANALYSIS M

FEDERAL CIVIL RIGHTS ACTIVITIES

COVERAGE AND SCOPE OF THE ANALYSIS

This analysis of Federal civil rights activities comprises more than the traditional programs and policies related to civil rights enforcement. In addition to Federal activities regarding the protection of such rights as voting, public accommodations, fair housing, and equal employment opportunity in the public and private sectors, there are included Federal programs related to civil rights research and information dissemination and to the conciliation and prevention of racial disputes. Outlays to enforce these civil rights have risen from \$90 million in 1970 to \$395 million in 1976.¹

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Fair housing ⁴	13.50	15.92	17.64
Enforcement and investigation ⁵	24.12	26.97	28.52
Research and information dissemination.....	9.02	9.88	10.01
Indian programs.....	.41	.89	.72
Civil rights conciliation and prevention of disputes.....	3.79	3.74	3.93
Total.....	291.43	360.58	394.83

¹ Civil rights enforcement programs guarantee and protect the basic civil rights as defined by law.

² Excludes outlays of \$17.1 million for contract compliance, fair housing and title VI activities reported elsewhere. Includes U.S. Coast Guard.

³ Excludes outlays under the Emergency School Aid Act. Cf. table M-4.

⁴ Excludes funds for contract compliance and departmental personnel who directly administer housing and urban development programs but also concern themselves with the objectives of fair housing laws.

⁵ Includes all title VI efforts except HEW and HUD.

Government policy is clear that personnel actions shall be free from discrimination based on race, color, religion, sex or national origin and that Federal agencies shall take affirmative action to

² For example, expenditures for minority participants in manpower training programs (35%) are not included. See Special Analysis J, Federal manpower programs.



assure equal employment opportunity. Agency equal employment opportunity programs are documented in written national and regional plans of action which include, where appropriate, agency established goals and timetables. These plans must be submitted to the Commission annually for review and approval. Careful consideration is to be given to assure that recruitment activities reach all sources of job candidates, that present employee skills are fully utilized, that opportunities for upward mobility are provided and that managers are trained with regard to their equal employment opportunities responsibilities.

Outlays for Federal civil service employment opportunity programs (including upward mobility) will increase by 42% in the 2 years, 1974 to 1976 to \$167 million. Work-years will increase by 2,172 to 10,220. Although firm projections on the results of these increased efforts are difficult to make, the favorable trends observed in recent years should continue.

As of November 30, 1973, over one-fifth (20.9 percent) of Federal employees were members of minority groups. Recent surveys have reflected a continuing trend of more minorities in the middle and upper grade and pay levels despite a decrease in overall Federal employment. As of October 31, 1973, women represented 40.8 percent of the non-postal full-time Federal white-collar work force. Despite an overall decrease in general schedule employment of 11,232 positions, the number of women increased by 1,926 from October 1972 to October 1973, while the number of men decreased by 13,158.

Two special emphasis programs address the specific employment problems of particular groups. Within the overall equal employment opportunity program, the Federal women's program addresses the particular employment needs and problems of women, and the Spanish-speaking program assists in providing opportunities for Spanish-speaking citizens. The successful placement of many additional women and Spanish-speaking Americans in middle-management and executive-level Federal jobs during a period of employment contraction is largely attributable to special efforts under these programs.

Finally, under the Intergovernmental Personnel Act of 1970, the Civil Service Commission provides financial and technical assistance in personnel management and employee training and in monitoring merit employment requirements applicable to many State and local grant-in-aid programs. Major emphasis is placed on equal employment activity. Under this program in 1974, the Commission has:

- Awarded grants for 23 State and local government projects relating to equal employment opportunity.
- Aided more than 500 State and local agencies administering grants-in-aid in the development of affirmative action plans.
- Made over 4,000 contracts geared to removing artificial employment barriers and improving personnel systems at State and local levels through expenditures for equal employment opportunity related technical assistance.



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In 1976, the Commission will continue to award grants to help advance equal employment opportunity.

Military services equal opportunities.—Each of the military services has placed equal opportunity officers and their staffs at various levels within individual command structures. They guide, monitor, and evaluate all matters pertaining to the equal opportunity and treatment of military personnel and their dependents and are responsible for and participate in race relations councils, seminars, and training. In 1976, outlays for providing equal opportunities for members of the Armed Services, excluding fair housing expenditures, will increase to \$42.7 million.³ 4,156 work-years will be devoted to these efforts.

Equal opportunity for servicewomen has received added emphasis. As the number of women in the military services continues to rise at a rapid rate, greater utilization is being made of their talents. The Army has now opened 90% of their enlisted occupational specialties to women as opposed to 30% previously. All services are now training women as noncombat pilots. The Air Force has increased the skill ladders open to women from 43% to 98%. All services have opened their ROTC programs to women and five women serve at general/flag officer rank in the military services.

³ Military services equal opportunities includes the U.S. Coast Guard.



The Defense Race Relations Institute, located at Patrick Air Force Base, Fla., trains officers and enlisted men for service with their units as instructors. The Institute has graduated over 3,322 instructors from all the services in the past 4 years. Training and education in race relations are included in service schools ranging from basic training to the senior service colleges. Special programs are also designed to increase minority participation in skilled jobs, examine current testing procedures for cultural bias, and to develop race relations handbooks.

Recruiting efforts will continue to insure balanced minority participation in the military services. All services have increased the percentage of minority recruiters. An example of success is the service academies where the enrollment of 465 minority cadets in the 1974 class is double the number entering in 1971. Presently there are over 1,103 minority cadets enrolled in the academies. Significant progress has also been made in procuring minority officers from reserve officer training programs and officer candidate training schools and in the detailing of qualified minority officers to attend senior and intermediate level professional military schools.

At the present time, there are 18 minority general officers on active duty. Prior to 1971, only four minority officers had ever achieved general/flag officer rank in the entire history of the Armed Services. Minority personnel have also been increasing their proportion in the top enlisted ranks, and currently, the top enlisted position in the Air Force is held by a minority.

Private sector opportunities.—Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin by either employers, unions, or employment agencies. Executive Order 11246, as amended, requires Federal and federally assisted Government contractors and subcontractors to provide similar opportunities. Outlays for the agencies charged with these responsibilities, the Equal Employment Opportunity Commission, the Justice Department, the Department of Labor and 16 cooperating agencies, will total \$103 million in 1976.⁴

The Equal Employment Opportunity Commission will spend \$60.3 million in 1976, an increase of 12%, to carry out its responsibilities relating to nondiscrimination in employment in the private sector and State and local government. An estimated 77,700 charge resolutions are projected through the combined efforts of the Commission and State and local agencies to which, under law, charges are deferred. The Commission will more than double to \$8 million the amount of its grants to these State and local agencies which administer fair employment practices statutes in order to bring such agencies into a full partnership in handling an increasing volume of charges. As a result of these actions, an estimated 40,000 persons will receive \$70 million in cash benefits in 1976.

Enforcement of title VII, as amended, is also the responsibility of the Justice Department which, through conciliation and litigation, seeks to secure compliance with the law where it finds patterns or practices of employment discrimination in State and local governments and their agencies. In 1976, the Justice Department plans to

⁴ Excludes amounts for nondiscrimination against the aged and handicapped.



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spend \$1.3 million to help eliminate such discrimination in the State and local public sectors.

Executive Order 11246 prohibits the practice of discrimination in Federal contracts, subcontracts, and on federally assisted construction projects. Nondiscrimination assurances cover construction as well as industrial work forces and require affirmative action on the part of recipients of Federal contract moneys to promote the equal employment of minorities and women. In 1976, the Federal agencies responsible for implementing this order will spend \$39.3 million. Approximately 500,000 new hires and promotions will be achieved by such affirmative action goals.

Seventy "citywide" plans for affirmative action in the construction industry, including the well-known "Philadelphia plan," have been put into effect. In addition, the Office of Federal Contract Compliance, Department of Labor, is continuing to develop proposals for statewide construction contracts. The goal for 1976 is to insure that all areas with substantial minority populations are covered under either a voluntary or imposed affirmative action plan.

Other highlights include:

- The Federal Communications Commission, an independent regulatory agency, will spend \$0.4 million in 1976 to investigate complaints of employment discrimination by broadcasters, cable

effected



television systems, and common carriers, to review licensees' annual reports of employment patterns, and to enforce the rules of the Commission relating to equal employment opportunity.

- The Department of Labor will spend \$3.9 million in administering the Equal Pay Act. In 1976, as a result of these efforts, \$9.1 million in wages illegally withheld will be received by 44,000 employees, primarily women. An additional \$13.7 million in annual future income will also be forthcoming.

Equal education opportunity.—The Department of Health, Education, and Welfare and the Justice Department have primary responsibility for assuring equal educational opportunity in public schools for all citizens and a nondiscriminatory policy relating to faculty and administrators. In 1976, educational programs in support of these goals will spend \$21.1 million, excluding capital assistance to predominately black colleges (developing institutions and land-grant colleges) and the emergency school assistance program.⁵

To enforce Federal laws requiring equal education opportunities for public school students, the Justice Department will spend \$1.8 million in the coming year. Although substantial compliance with the constitutional mandate has been achieved in recent years, the Justice Department continues its enforcement supervision through

⁵ Excludes amounts for nondiscrimination against the handicapped.



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235 cases involving 540 schools systems.⁶ Currently, the Federal Government is also taking steps to provide equal educational opportunity for Spanish-speaking and other non-English-speaking pupils by insuring that special education programs and bilingual and bicultural education programs are provided.

Title IX of the Higher Education Amendments of 1972 charged the Department of Health, Education, and Welfare with the responsibility of insuring nondiscrimination on the basis of sex in some 2,700 institutions of higher education throughout the United States. In 1976, the Department expects to conduct 100 onsite compliance reviews and to investigate 80 complaints.

Fair housing.—Title VIII of the Civil Rights Act of 1968 makes unlawful any discrimination on the basis of race, color, religion, sex or national origin in the sale, rental, or financing of housing. Executive agencies are required to cooperate with the lead agency in this area, the Department of Housing and Urban Development (HUD), in the administration of title VIII, and to conduct their programs and activities in a manner that affirmatively furthers fair housing opportunities for all Americans.

Expenditures for the administration of fair housing programs in executive departments and agencies will increase by 11% in 1976 to \$17.6 million.

- HUD will spend \$5.2 million to strengthen its efforts under title VIII and enable it to reduce the backlog in the reactive complaint system.
- The Department of Justice will spend \$1.9 million in the development, litigation, and negotiation of cases to enforce title VIII.
- The Department of Defense will spend \$5.3 million to assure the rights of all military personnel to available off-base housing.
- The General Services Administration (GSA) will spend \$1 million to assure that federally constructed, purchase-contract or leased space is located where there is an adequate supply of low- and moderate-income housing available on a nondiscriminatory basis.
- In cooperation with the fair housing goal of the executive branch, the independent Federal financial regulatory agencies will continue to monitor the institutions subject to their supervision to assure that their real estate lending services are available without regard to race, color, religion, sex, or national origin.
- The Housing and Community Development Act, approved in 1974, prohibits sex discrimination in connection with the sale, rental or financing of housing.

⁶ The desegregation of schools is progressing nationwide. The Administration will continue its commitment to assist school districts in this important process by requesting future support for the Emergency School Aid Act. In 1976, \$445 million will be spent under this program for project grants throughout the Nation to assist school districts in overcoming the effects of minority group isolation. These discretionary funds will permit a flexible approach to insure educational achievement in districts that are desegregating.

Since this money represents project grant money rather than an enforcement effort directed by on the scene Federal personnel, it is included under minority assistance programs in table M-4.

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- The Equal Credit Opportunity provision (title V of Public Law 93-495), approved in 1974, makes it unlawful for any creditor to discriminate against any applicant on the basis of sex or marital status with respect to any aspect of credit transactions, including those relating to real estate.

HUD will continue its efforts to insure that the administration of all Federal housing-related programs further the fair housing objectives of title VIII. Such efforts include oversight of affirmative marketing and advertising guidelines and policies for project selection of federally assisted programs; a national advertising campaign and expanded affirmative action programs aimed at all elements of the public; and communitywide hearings and reviews of title VIII compliance.

Table M-2. FEDERAL CIVIL RIGHTS OUTLAYS BY TYPE OF ACTIVITY

(in millions of dollars)

	1974 actual	1975 estimate	1976 estimate
Civil rights enforcement: ¹			
Complaint conciliation.....	18.44	21.14	22.94
Complaint investigation.....	33.58	38.48	42.60
Compliance review and monitoring.....	58.07	77.15	83.82
Legal enforcement.....	21.00	23.48	24.57
Program direction, research and information dissemination.....	86.87	106.19	112.23
Technical assistance.....	29.46	33.10	38.44
Upward mobility.....	44.00	61.04	70.24
Total.....	291.43	360.58	394.83

¹ Civil rights enforcement programs guarantee and protect the basic civil rights as defined by law.

The Justice Department has brought or participated in 214 suits against some 600 defendants in 33 States and the District of Columbia. At least 182 court orders have been entered, most of them requiring comprehensive affirmative relief to correct the effects of past housing discrimination and to maximize equal opportunity in the future. The Department has also obtained supplemental relief or brought contempt of court proceedings in 15 cases where defendants had failed to implement provisions of earlier orders. Voluntary compliance agreements have been concluded with the real estate boards of major cities, and negotiations with the National Association of Realtors resulted in the publication of an industry-wide guide which promotes equal housing opportunity.

The Defense Department expects to continue its successful implementation of the open off-base housing program. In 1967, less than 20% of the multiunit rental facilities surveyed were indicated as available to all military personnel on an equal opportunity basis. Today, 98% of surveyed facilities are pledged to a policy of nondiscrimination. Recently, Defense revised its procedures to take stronger measures against landlords practicing race and sex discrimination. In 1976, Defense will devote 543 years of effort to furthering this record of achievement.



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GSA, under Executive Order 11512, will expend 46 work-years on matters relating to the positive impact that selection of sites for Federal facilities can have on the social and economic conditions in the area. GSA and HUD are continuing to develop affirmative action plans where necessary to insure that an adequate supply of low- and moderate-income housing will be available on a nondiscriminatory basis. For agencies like Energy Research and Development Administration which procure space and facilities on their own, efforts similar to the above will be carried out.

Civil rights enforcement.—Primary responsibility for the enforcement of civil rights laws and constitutional guarantees is vested in the Justice Department. This includes the development, negotiation, conciliation, and litigation of cases and complaints. In 1976, the Justice Department and other agencies with enforcement responsibilities will spend \$28.5 million to carry out the above mandate. In addition to activities related to employment discrimination, fair housing and public education, which are treated elsewhere in this analysis, the efforts of the Department will strengthen its coordination of Federal agencies' enforcement activities under title VI of the 1964 Civil Rights Act which prohibits discrimination in federally assisted programs and under the general revenue sharing legislation. Increased emphasis by the Department should result in a continuing improvement of title VI enforcement. The Department will also continue its enforcement activities directed toward compliance with laws which prohibit the interference with basic civil rights, including the right to vote and the use of public accommodations and facilities.

In 1976, the Justice Department will continue to allocate resources as necessary for investigation and litigation to protect the civil rights of citizens who may have suffered violence or threats of violence including special protections for migrant workers, prison inmates, and, along with the Interior Department, American Indians. Attention will also continue to be directed to civil litigation involving injustices and substandard conditions in correctional institutions, mental hospitals, and juvenile homes.

The voting rights program continues its efforts to secure to all citizens the right to register and vote without discrimination or intimidation. In addition, all proposed changes affecting voting under section 5 of the Voting Rights Act of 1965 are submitted to the Attorney General and must be investigated, reviewed, and adjudicated in the Department of Justice. 3,847 such changes have been received since 1970. In support of the voting rights program, the Civil Service Commission provides personnel to prepare and maintain lists of eligible voters and to observe election procedures in States or other political subdivisions designated by the Attorney General. The Commission receives complaints, hears and determines challenges, and assists in the defense of challenge cases filed in the U.S. circuit courts of appeals. In 1976, the Commission will spend \$0.6 million to assist in this responsibility.

Civil rights research and information dissemination.—Expenditures grouped in this category include all moneys for civil rights activities not counted elsewhere as well as Federal research and



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information dissemination efforts. Outlays in this area will total \$10 million in 1976.

- The Commission on Civil Rights will spend \$7.74 million in 1976 to carry on its factfinding function relating to denials of equal protection under the law.
- The Women's Bureau, Department of Labor, will devote \$2 million to questions and issues relating to the utilization of womanpower and the economic, legal, and civil status of women. The Bureau works with appropriate State, national, international, local, and union organizations, and concerned individuals in achieving its goals and also provides support services to the Citizens Advisory Council on the Status of Women.
- The women's action program, Department of Health, Education, and Welfare (HEW), will spend \$0.2 million in 1976 to analyze the effects of HEW programs on women and the changes required to help attain equality for women.

Civil rights conciliation and prevention of disputes.—The Community Relations Service of the Department of Justice was established by title X of the Civil Rights Act of 1964 to provide assistance to communities in resolving difficulties arising from discriminatory practices which disrupt peaceful relations among citizens. It also seeks to reduce and prevent racial tensions. The Service actively cooperates with appropriate Federal, State, and local agencies, private and public groups, and individuals on methods and programs for the peaceful resolution of racial disputes.

In 1976, the Service will spend \$3.9 million to reduce racial tensions. This will permit an expansion in crisis resolution and State liaison activities. State liaison representatives will be working with State and local officials in developing their own crisis contingency plans to enable communities to eventually provide community relations services for themselves.



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Table M-3. FEDERAL CIVIL RIGHTS OUTLAYS BY DEPARTMENT AND AGENCY (in millions of dollars)

	1974 actual	1975 estimate	1976 estimate
Civil rights enforcement: ¹			
Department of Agriculture.....	9.96	10.17	10.43
Department of Commerce.....	.84	.85	.80
Department of Defense.....	51.54	57.61	59.34
Department of Health, Education, and Welfare.....	13.66	23.93	25.82
Department of Housing and Urban Development.....	8.45	10.69	11.91
Department of the Interior.....	1.54	2.17	2.15
Department of Justice.....	18.65	20.13	20.91
Department of Labor.....	8.23	10.11	10.81
Department of State.....	*	*	*
Department of Transportation.....	2.94	3.55	3.80
Treasury Department.....	.76	1.06	1.25
Civil Service Commission ²	118.05	149.45	167.81
Commission on Civil Rights.....	6.06	7.15	7.74
Energy Research and Development Administration ³	1.31	1.59	2.27
Environmental Protection Agency.....	.61	1.01	1.25
Equal Employment Opportunity Commission.....	42.10	53.68	60.26
Federal Communications Commission.....	.25	.36	.44
General Services Administration.....	3.51	4.43	5.11
Community Services Administration ⁴	.39	.34	.59
Postal Service ⁵	.73	.79	.83
Small Business Administration.....	.77	.86	1.23
Veterans Administration.....	1.08	1.21	1.88
Other independent agencies.....	1.08	1.65	1.08
Total.....	291.43	360.58	394.83

¹ Civil rights enforcement programs guarantee and protect the basic civil rights as defined by law.
² All Federal service equal employment opportunity outlays, including upward mobility, are reported under the lead agency, Civil Service Commission.

³ The Atomic Energy Commission expired Jan. 19, 1975. The majority of its resources were transferred to this new agency upon its expiration.

⁴ The Office of Economic Opportunity was replaced by the Community Services Administration on January 4, 1975.

⁵ Postal Service outlays appear in the Annexed Budget.

* Less than \$10 thousand.



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Table M-4. FEDERAL MINORITY ASSISTANCE PROGRAMS/ MINORITY ASSISTANCE OUTLAYS BY PROGRAM CATEGORY ¹ (in millions of dollars) *revised*

	1974 actual	1975 estimate	1976 estimate
Indian programs ²	1,112.10	1,338.60	1,403.00
Minority business enterprise ³	972.46	1,062.35	1,059.35
Emergency School Aid Act	202.92	206.96	143.64
Minority Higher Education Assistance ⁴	66.49	93.10	111.06
Total	2,353.97	2,701.01	2,717.05

¹ Minority assistance programs broaden opportunities for economic participation and self-determination.

² The composition of Indian outlays has been changed from prior years to exclude programs not specifically established for Indians.

³ Excludes the minority bank deposit program and Indian programs, but includes loans, surety bonds, guarantees and 8(a) contracts at obligated values.

⁴ Outlays shown in the above table for predominately black colleges (developing institutions and land-grant colleges) reflect only the HEW program for strengthening developing minority institutions and assistance to minority institutions from the National Science Foundation and the Department of Agriculture. They exclude other Federal financial assistance in this area and the Federal share of Howard University expenses.

MINORITY ASSISTANCE OUTLAYS BY AGENCY ¹

(in millions of dollars)

	1974 actual	1975 estimate	1976 estimate
Department of Agriculture	13.53	18.08	19.41
Department of Commerce	82.53	97.37	88.57
Department of Defense	79.37	83.37	87.47
Department of Health, Education, and Welfare	510.05	673.12	650.55
Department of Housing and Urban Development	53.31	37.15	34.32
Department of the Interior	852.07	908.32	945.05
Department of Labor	13.02	41.16	41.51
Environmental Protection Agency	7.00	9.00	10.00
Energy Research and Development Administration	7.50	8.15	9.10
National Aeronautics and Space Administration	7.89	8.50	10.00
Small Business Administration ²	663.03	751.47	753.85
Veterans Administration	11.90	13.00	14.50
Other agencies	52.77	52.32	52.72
Total	2,353.97	2,701.01	2,717.05

¹ Minority assistance programs broaden opportunities for economic participation and self-determination and include Indian programs. Loans, surety bonds, guarantees and 8(a) contracts are included at their obligated values.

² All Federal procurement from minorities through sec. 8(a) of the Small Business Act is reported under the lead agency, Small Business Administration.

