

U.S. COMMISSION ON CIVIL RIGHTS
OFFICE OF INSPECTOR GENERAL

SEMIANNUAL REPORT TO CONGRESS

November 18, 2011 through March 31, 2012

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April 27, 2012

The Honorable Commissioners
U.S. Commission on Civil Rights
624 Ninth Street, NW
Suite 700
Washington, D.C., 20425

Subject: *Semiannual Report to Congress*

I am submitting this report in accordance with Section 5 of the Inspector General Act of 1978, as amended. The report summarizes the activities of the Office of Inspector General for the first semiannual reporting period of fiscal year 2012 beginning with the establishment of the office on November 18, 2011.

The act requires that you transmit the report to the appropriate congressional committees within 30 days of receipt. Your transmittal should also include any comments you consider appropriate and other statistical tables and reports required by law.

I appreciate management's support and look forward to working with you to help promote economy and efficiency in the operations of the U.S. Commission on Civil Rights.

Sincerely yours,



Frances Garcia
Inspector General

List of Addresses

The Honorable Martin R. Castro, Chairman

The Honorable Abigail Thernstrom, Vice Chair

The Honorable Roberta Achtenberg

The Honorable Todd Gaziano

The Honorable Gail Heriot

The Honorable Peter Kirsanow

The Honorable David Kladney

The Honorable Michael Yaki

INTRODUCTION

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights (Commission), created pursuant to the Civil Rights Act of 1957,¹ is responsible for (1) investigating allegations of discrimination because of color, race, religion, sex, age, disability, or national origin or deprivation of voting rights, and (2) collecting and studying information; monitoring the enforcement of federal laws and policies; serving as a national clearinghouse for information; and preparing public service announcements and advertising campaigns on issues pertaining to discrimination, denials of equal protection of the laws, or the administration of justice. The Commission may hold hearings and, within specific guidelines, issue subpoenas to obtain certain records and have witnesses appear at hearings. It also maintains state advisory committees and consults with representatives of federal, state, and local governments and private organizations to advance its fact-finding work.

The Commission is required to issue reports on the findings of its investigations to Congress and the President and to recommend legislative remedies. The Commission also must submit annually to Congress and the President at least one report that monitors federal civil rights enforcement in the United States. In addition, because it lacks enforcement powers that would enable it to apply remedies in individual cases, the Commission refers specific complaints it receives to the appropriate federal, state, or local government agency for action.

THE OFFICE OF INSPECTOR GENERAL

The Inspector General of the U.S. Commission on Civil Rights was created by the Consolidated and Further Continuing Appropriations Act of 2012.² The duties, responsibilities, and authorities of the Commission's Inspector General are specified in the Inspector General Act of 1978, as amended.³ The act further designated that the Inspector General of the Government Accountability Office (GAO) holds the position of Inspector General of the Commission and directed that personnel of GAO's Office of Inspector General (OIG) be utilized to perform the duties of the Inspector General for the Commission. The Inspector General shall conduct audits and investigations relating to programs and operations administered or financed by the Commission and keep the Commissioners and Congress fully and currently informed concerning fraud or other serious problems, abuses, and deficiencies identified.

¹Pub. L. No. 85-315, § 101, 71 Stat. 634 (1957).

²Pub. L. No. 112-55, 125 Stat. 552, 628 (Nov. 18, 2011).

³Pub. L. No. 95-452, 92 Stat. 1101 (Oct. 12, 1978), codified as amended at 5 U.S.C. App.

ACTIVITIES OF THE OFFICE OF INSPECTOR GENERAL

AUDITS, INSPECTIONS, AND EVALUATIONS

During this first reporting period, we gained an understanding of the mission and operations of the Commission to identify potential risks and areas for future work. We interviewed Commission staff, and reviewed past GAO reports, Commission budget information, performance and accountability reports, and administrative instructions of its internal operations.

On March 15, 2012, OIG reported that the Commission did not include information related to improper payments in its fiscal year 2011 performance and accountability report.⁴ Further, it was reported that the Commission was not in compliance with both the Improper Payments Elimination and Recovery Act of 2010 and Office of Management and Budget's (OMB) guidance for implementing this act because the Commission did not (1) institute a risk assessment to identify those programs and activities susceptible to significant improper payments or (2) seek a waiver from OMB for conducting such an assessment. Commission personnel stated that they did not do a risk assessment since the Commission's \$9.4 million in appropriations received for fiscal year 2011 was less than the \$10 million minimum reporting threshold for significant improper payments.⁵

INVESTIGATIONS

An OIG hotline was established for reporting suspected fraud, waste, and abuse within the Commission and information about the hotline was circulated and posted at the Commission. OIG also has implemented an integrity awareness initiative to inform employees of their responsibilities for the prevention of fraud and to reinforce employees' roles in helping to ensure the integrity of the Commission's operations.

We received three hotline contacts. We closed one after an initial review determined there was no basis for further action and opened two investigations.

OTHER ACTIVITIES

REGULATORY REVIEW

OIG did not perform reviews of existing legislation and regulations relating to programs and operations of the Commission and we did not identify any proposed legislation and regulations.

PEER REVIEW

Established in November 2011, OIG did not schedule or undergo a peer review. Further, OIG did not participate in any peer review activity for other offices of federal inspectors general.

⁴Office of the Inspector General, U.S. Commission on Civil Rights, *The U.S. Commission on Civil Rights: Compliance with the Improper Payments Elimination and Recovery Act of 2010*, OIG/USCCR-12-1 (Washington, D.C.: Mar. 15, 2012).

⁵As defined by the Improper Payments Elimination and Recovery Act of 2010 (Pub. L. No. 111-204, 124 Stat. 224 [July 22, 2010]), significant improper payments are gross annual improper payments in the program exceeding (1) both 2.5 percent of program outlays and \$10 million of all program or activity payments during the fiscal year reported or (2) \$100 million (regardless of the improper payment error rate).

REPORTING REQUIREMENTS OF THE INSPECTOR GENERAL ACT OF 1978, AS AMENDED

The following table cross-references the reporting requirements prescribed by the Inspector General Act of 1978, as amended, to specific pages where they are addressed. References noted as “none” indicate that the requirement was not reported on by OIG during this reporting period.

Reference	Reporting requirement	Page
Section 4(a)(2)	Review of legislation and regulations	4
Section 5(a)(1)	Significant problems, abuses, and deficiencies	None
Section 5(a)(2)	Recommendations for corrective action with respect to significant problems, abuses, and deficiencies	None
Section 5(a)(3)	Significant recommendations described in previous semiannual reports for which corrective action has not been completed	None
Section 5(a)(4)	Matters referred to prosecuting authorities and resulting prosecutions and convictions	None
Sections 5(a)(5) and 6(b)(2)	Summary of instances reported to the Commissioners where information was refused	None
Section 5(a)(6)	List of reports issued during the reporting period	4
Section 5(a)(7)	Summary of significant reports	None
Section 5(a)(8)	Statistical table—audit, inspection, and evaluation reports with questioned costs	Table 1
Section 5(a)(9)	Statistical table—audit, inspection, and evaluation reports with recommendations that funds be put to better use	Table 2
Section 5(a)(10)	Summary of audit reports issued before the commencement of the reporting period for which no management decision has been made	None
Section 5(a)(11)	Significant revised management decisions made during the reporting period	None

Reference	Reporting requirement	Page
Section 5(a)(12)	Significant revised management decisions with which the Inspector General is in disagreement	None
Section 5(a)(13)	Instances of unresolved Federal Financial Management Improvement Act of 1996 noncompliance	None
Section 5(a)(14)(A)	Peer review conducted on OIG during the reporting period	4
Section 5(a)(14)(B)	Statement of peer review conducted on OIG during a prior reporting period	4
Section 5(a)(15)	Outstanding recommendations from a peer review on OIG	4
Section 5(a)(16)	Peer reviews conducted by OIG on another Office of Inspector General	4
Section 5(d)	Serious or flagrant problems, abuses, or deficiencies reported to the Commissioners	None

Source: OIG.

**TABLE 1: AUDIT, INSPECTION, AND EVALUATION REPORTS
WITH QUESTIONED COSTS**

Reporting requirements	Number of reports	Number of recommendations	Questioned costs	Unsupported costs
For which no management decision has been made by the commencement of the reporting period	0	0	0	0
Which were issued during the reporting period	0	0	0	0
For which a management decision was made during the reporting period	0	0	0	0
For which no management decision has been made by the end of the reporting period	0	0	0	0

Source: OIG.

**TABLE 2: AUDIT, INSPECTION, AND EVALUATION REPORTS
WITH RECOMMENDATIONS THAT FUNDS BE PUT TO
BETTER USE**

Reporting requirements	Number of reports	Number of recommendations	Dollar value
For which no management decision has been made by the commencement of the reporting period	0	0	0
Which were issued during the reporting period	0	0	0
For which a management decision was made during the reporting period	0	0	0
For which no management decision has been made by the end of the reporting period	0	0	0

Source: OIG.

REPORTING FRAUD, WASTE, AND ABUSE IN THE U.S. COMMISSION ON CIVIL RIGHTS

To report fraud, waste, or abuse in Commission programs and operations, do one of the following. (You may do so anonymously.)

- Call toll-free (866) 680-7963 to speak with a hotline specialist, available 24 hours a day, 7 days a week.
- Report online at: <https://oig.alertline.com>.

OBTAINING COPIES OF OFFICE OF THE INSPECTOR GENERAL REPORTS, PUBLICATIONS, AND TESTIMONIES

Copies of OIG reports, publications, and testimonies are available on the Commission's website: <http://www.usccr.gov/OIG/index.php>.