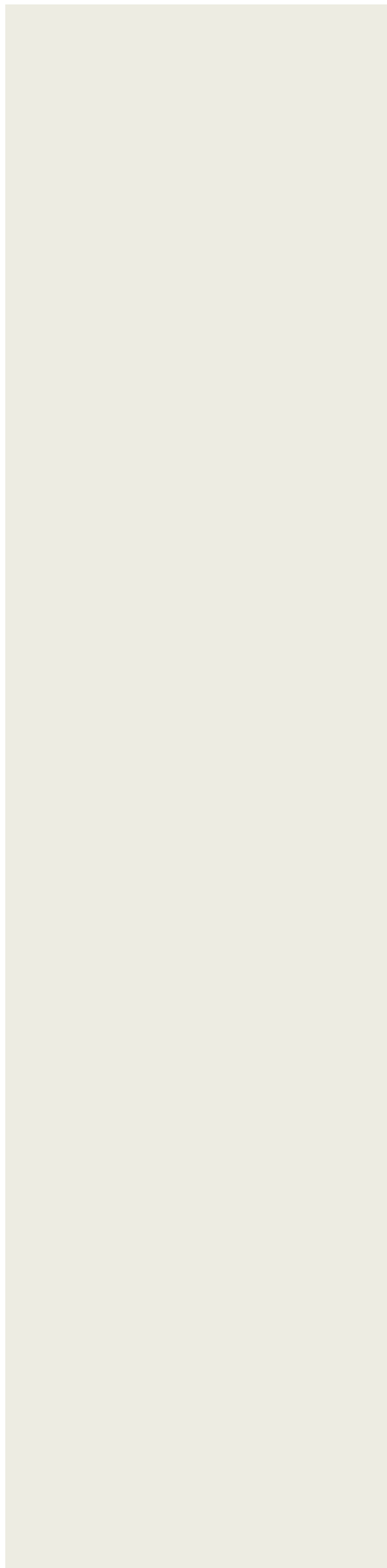




United States Commission on Civil Rights
*Performance &
Accountability Report*

Fiscal Year 2008

Message from the Chairman	2
Management Discussion & Analysis	6
A. USCCR Mission	6
B. USCCR Organizational Structure	8
i. Headquarters Organization	8
ii. Regional Programs	10
C. Performance Highlights	12
i. Pursuing Our Strategic Vision: Creating Accountability and Achieving Successes	13
ii. Continuing Implementation of our PART Improvement Plan.	22
iii. FMFIA, OMB A-123, and FISMA Compliance.	22
D. Financial Highlights	24
E. Limitations on Financial Statements	24
Management Statements of Assurance	25
FY 2008 Performance: Usccr Goals, Objectives, and Results	27
A. Reliability of Performance Data	27
B. Strategic Goal One: FY 2008 Performance Targets	28
C. Strategic Goal Two: FY 2008 Performance Targets	31
D. Strategic Goal Three: FY 2008 Performance Targets	34
E. Strategic Goal Four: FY 2008 Performance Targets	37
F. Other Information Related to Annual Performance Reporting	38
FY 2008 Financial Management: Being Good Stewards of our Financial Resources	39
A. Message from the Director of Management	39
B. Financial Statements & Notes, and Auditors' Report	40
Appendices	64
Appendix A: Strategic Plan Goals, Objectives and Measures	64
Appendix B: Performance Charts and Tables	67
Appendix C: Fluctuation Analysis for Significant Differences	69
Appendix D: Management Audit Response	70





Message from the Chairman

Prior to the enactment of the Voting Rights Act, the nation was in the process of dismantling a racial caste system. Forty-three years later, the nation has elected its first black President. No matter where one comes down politically, we must appreciate the historical and cultural significance of this milestone. While we have dismantled the racial caste system that imposed limitations on the opportunities available to black Americans, some of the scars from our history are still visible. For example, until the nation elected President-elect Barack Obama to the presi-

dency, too many black families believed the old limitations from the caste system were firmly in place. Now many black Americans, especially parents, are questioning their beliefs on their ability to take advantage of available opportunities. Black parents are telling their children that it is possible to achieve their dreams. The communal doubt is starting to give way to the recognition that if we invest and sacrifice for our goals, we may be able to achieve our goals.

In a year in which a national election held our attention, the Commission focused part of its agenda on the need for vigilance against the types of fraud and abuse that could undermine our electoral process. We released a report entitled *Voter Fraud and Voter Intimidation*,¹ and held a public briefing in June 2008 on voting rights enforcement for the 2008 U.S. presidential election, to help inform the public and policy-makers of continuing threats to the integrity of our electoral process. The *Voter Fraud* report, available on the Commission's Web site, includes 20 findings and recommendations focused on ensuring that only eligible individuals participate in the electoral process, and that all legitimately cast votes are counted. Our June 2008 briefing discussion on voting rights enforcement covered an array of topics including voter registration, the best ways to address claims of voter fraud and voter intimidation, and the Department of Justice's proper role in ensuring open and honest elections.

Our work during FY 2008 goes beyond the issue of voting rights. With planning underway by the Census Bureau for its 2010 census, we examined the Bureau's use of racial categories in the census.² In our report, *Racial Categorization in the 2010 Census*, we cover a range of issues and make 19 findings and recommendations, including a recommendation to eliminate the distinction between "race" and "ethnicity" and to allow respondents to self-select multiple racial categories.

Our annual "statutory report" examines the issue of free exercise of religion in our prisons. The Commission hosted a briefing on the topic that included

¹ We held the underlying briefing on voter fraud and voter intimidation in October 2006.

² We held the underlying briefing on the census in April 2006.

representatives from the Bureau of Prisons and prison administration, as well as clergy and prisoner rights advocates, some of whom had previously been incarcerated themselves. As part of its fact-finding, the Commission also issued interrogatories to five different components of the Department of Justice (including the Bureau of Prisons), nine federal prisons, nine state prisons, two county jails, and eight prisoners' rights advocacy groups. The resulting report, *Enforcing Religious Freedom in Prison*, supports the exercise of religious freedom by prisoners and contains 13 findings and recommendations analyzing the Department of Justice's efforts to enforce this right.

We also issued an executive summary, *Omaha Public Schools: Issues and Implications of Nebraska Legislative Bill 1024*, based on the testimony and written submissions of panelists appearing before the Commission in September 2006. The panelists discussed the implications of a then-pending Nebraska school redistricting bill, Nebraska Legislative Bill 1024, which would have created racially identifiable school districts.³ Our critique of the civil rights impact of this bill contributed to its revision by the Nebraska legislature. The Governor of Nebraska signed the revised bill into law in 2007.⁴

We were once again on the forefront of the national civil rights debate when we conducted a public discussion on illegal immigration and its impact on the wages and employment opportunities of low-wage black workers. By some estimates, the foreign-born population in the United States increased from 8.4 million in 1965 to 39.3 million in 2007. Approximately 7.4 million immigrant workers are here illegally. These illegal immigrants are competing for low-skilled jobs with 43 million other adults who are legally entitled to work in the United States. Evidence suggests that illegal immigration has placed downward pressure on black wages and employment opportunities, especially for those without a high school diploma. One witness called this phenomenon "the civil rights issue of this generation of American workers."⁵ This briefing, reported by C-SPAN, included a discussion of statistics on illegal immigration and low-wage jobs, ethnic networking, enforcement of employer sanctions, and border enforcement. The Commission will release its report in FY 2009.

The Commission provided the public and policy-makers five additional opportunities to hear some of the country's best minds debate a number of pressing issues from diverse perspectives. It addressed topics such as:

- ♦ discrimination against Native Americans in border towns, and the relationship between Native Americans and residents of border towns and communities adjacent to American Indian reservations,
- ♦ the disproportionate placement of non-Asian minorities in special education and factors influencing these placements,

3 B. 1024, 99th Leg., 2d Sess. (Neb. 2006).

4 B. 641, 100th Leg., 1st Sess. (Neb. 2007).

5 Vernon M. Briggs Jr., a Cornell University emeritus professor of industrial and labor relations.

Assuming a position on the forefront of many of the nation's most compelling civil rights issues such as:

- Preventing Voter Fraud and Intimidation,
- Revisiting the Use of Racial Categories and Classifications in the U.S. Census,
- Enforcing Religious Freedom in Prisons,
- Examining the Impact of Illegal Immigration on Low-Wage Workers,
- Detecting Discrimination in Border Towns and Communities Adjacent to American Indian Reservations,
- Determining the Factors Influencing the Placement of Non-Asian Minorities in Special Education,
- Examining Minority Student Attrition in the Disciplines of Science, Technology, Engineering, and Math (STEM),
- Using Race-Neutral Measures in Federal Contracting, and
- Exploring the Use of Affirmative Action in Law School Admissions.

Reinvigorating our network of state advisory committees in all 50 states and the District of Columbia by:

- Increasing the number of operational state advisory committees,
 - Incorporating state advisory committee research and fact-finding into national research projects,
 - Commissioning a multi-state advisory committee report on state civil rights issues and priorities for release in FY 2009, and
 - Completing state advisory committee reports on fair housing, voting rights, and school desegregation.
-

- ✦ the rights of prisoners to freely practice their religion,
- ✦ the Department of Justice's 2008 presidential election monitoring and the best ways to address claims of voter fraud and intimidation, and
- ✦ the reasons talented minority students leave the disciplines of science, technology, engineering, and math (STEM) in disproportionate numbers.

These are a few examples of our civil rights activities and accomplishments during FY 2008. They, however, do not represent the full scope of our contribution to the policy debate on civil rights. In August 2008, we noted a conflict within the administration that undermines enforcement of equal treatment in public transportation contracting. More specifically, the Department of Transportation (DOT) issued guidance requiring no finding of discrimination before setting race-conscious disadvantaged business enterprise (DBE) goals. We determined that this conflicts with the position taken by DOT and the Department of Justice in the Ninth Circuit in *Western States Paving, Inc. v. Washington State Department of Transportation*, 407 F. 3d 983 (9th Cir. 2005). In *Western States Paving*, the government successfully argued that such a finding is required before recipients of federal transportation funding may use race-conscious measures to meet their DBE goals. Our letter requested that the *Western States* standard be applied not simply in the Ninth Circuit, but consistently nationwide.

In July 2008, in a letter to the Department of Education, we sought information on the accreditation of law schools and the use of affirmative action in law school admissions. This letter follows up on our FY 2007 analysis of affirmative action in law school admissions. Our report that year, *Affirmative Action in American Law Schools*, explored Richard Sander's *Stanford Law Review* article, "A Systemic Analysis of Affirmative Action in American Law Schools." We concluded that affirmative action might well harm African Americans by mismatching them with law schools where their educational background would make academic success more challenging. We also found a lack of transparency in the use of race in the law school admissions process, thereby denying minority applicants the ability to review all relevant information before selecting a law school.

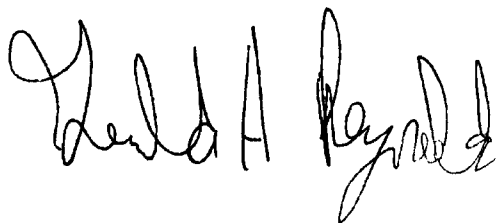
We also worked hard to increase compliance with our mandate to maintain 51 state advisory committees. These committees, composed of volunteer citizens with a range of civil rights and other relevant experience, bring a state and local perspective to our civil rights work. In FY 2008, we increased the percentage of active state advisory committees and renewed more lapsed advisory committee charters than previously done in FY 2007.

Our chartered advisory committees conducted independent fact-finding and supported national research projects on a range of issues including ex-felon voting rights in Florida, fair housing enforcement in Kentucky, school desegregation

in Tennessee, and religious discrimination in Alabama and Mississippi. They published three advisory committee reports containing 11 findings and recommendations for action. During FY 2008, our national and regional offices, and advisory committees made a total of 63 findings and recommendations for corrective action by federal agencies and others.

Aside from these contributions, the Commission continues to improve its internal procedures. For the third consecutive year, we received a clean financial audit from an independent auditing firm. This unprecedented accomplishment by our agency is possible because of improvements in internal control, ongoing monitoring of our financial transactions by our budget personnel, and the continued use of an external accounting services provider with financial systems that comply with applicable federal standards. These activities facilitate the reporting of reliable and complete financial data, and improve our ability to identify and remediate weaknesses and deficiencies in internal controls. During the upcoming year, we will eliminate our two previously identified FISMA deficiencies, complete the integration of our payroll and external accounting services systems to improve project cost reporting, and monitor and revise, as necessary, other previously implemented financial management reforms. Though we continue to review, revise, and reassess our policies, processes and systems, we consider the resulting financial and performance data reliable, as described in a later section of this report.

What you will see in this FY 2008 performance and accountability report is an agency focused on improved program performance and accountability. This resulted in a new strategic plan with quantifiable performance measures, annual performance planning, enhanced data collection to inform decision-making at all levels, and improved integration of budget and performance. These and other management accomplishments support our vision for the agency as the foremost voice of civil rights for the nation in the 21st century.



Gerald A. Reynolds
Chairman
United States Commission on Civil Rights
November 24, 2008

Normalizing our financial operation as evidenced by:

- Receiving three consecutive clean financial audit opinions,
 - Complying with generally accepted accounting principles, and
 - Reporting no material weaknesses in internal control over financial reporting.
-

Researching and investigating alleged deprivations of voting rights and discrimination based on race, color, religion, sex, age, disability, or national origin, or in the administration of justice.

Management Discussion and Analysis

The Management Discussion and Analysis (MD&A) section provides an overview of our agency's mission and organizational structure, and offers FY 2008 performance and financial management highlights. It also analyzes the adequacy of our internal control and compliance with applicable laws, and identifies risks to the attainment of our mission and goals.

A. USCCR Mission

The Civil Rights Act of 1957 created our agency.⁶ Since then, Congress has reauthorized or extended the legislation creating the Commission several times; the last reauthorization was in 1994 by the Civil Rights Commission Amendments Act of 1994.⁷ Established as an independent, bipartisan, fact-finding federal agency, our mission is to inform the development of national civil rights policy and enhance enforcement of federal civil rights laws. We pursue this mission by studying alleged deprivations of voting rights and alleged discrimination based on race, color, religion, sex, age, disability, or national origin, or in the administration of justice. We play a vital role in advancing civil rights through objective and comprehensive investigation, research, and analysis on issues of fundamental concern to the federal government and the public.

On a day-to-day basis, during FY 2008, we accomplished this mission with 44 national and regional office staff, and a network of state advisory committees. Our commissioners, national and regional office staff of civil rights analysts, social scientists, attorneys, administrative personnel, and our volunteer state advisory committee members executed our mission in a number of ways. Among them are:

- ♦ reinvigorating our state advisory committees by reducing the number of un-chartered advisory committees and decreasing the amount of time required to re-charter expiring committees;
- ♦ energizing our advisory committees by enhancing their institutional role in program planning and increasing their productivity;
- ♦ authorizing a multi-state advisory committee report that will identify civil rights issues and priorities in states with chartered committees;
- ♦ studying the role and effectiveness of the several federal agencies with civil rights enforcement responsibilities, including the Civil Rights Division and the Bureau of Prisons within the Department of Justice, and the Census Bureau within the Department of Commerce, and making findings and recommendations that might enhance their effectiveness;

⁶ Civil Rights Act of 1957, Pub. L. No. 85-315, § 101, 71 Stat. 634 (1957). See United States Commission on Civil Rights Act of 1983, Pub. L. No. 98-183, 97 Stat. 1301 (1983); United States Commission on Civil Rights Act of 1991, Pub. L. No. 102-167, ___ Stat. ___ (1991).

⁷ Civil Rights Commission Amendments Act of 1994, Pub. L. No. 103-419, 108 Stat. 4338 (1994) (codified at 42 U.S.C.S. § 1975 (2005)).

- ♦ seeking partnerships with other civil rights agencies in studying the effectiveness of current civil rights laws, and pursuing increased congressional contacts that create opportunities to provide substantive insight into proposed legislation;
- ♦ promoting greater public awareness of current civil rights issues, remedies and enforcement agencies by holding public briefings, issuing press releases, making information publicly available on our Web site, and providing a complaint referral service;
- ♦ strengthening the quality and objectivity of our written work product by implementing and monitoring policies that ensure varied and opposing viewpoints and perspectives are considered, and using our Office of Management and Budget (OMB) approved information quality guidelines to further safeguard the credibility of our written work products;
- ♦ collecting and analyzing data on disparities among racial and ethnic groups, between the sexes, between the disabled and those who are not disabled, and among other protected classes, as well as issuing reports;
- ♦ issuing reports that assess the credibility of discrimination allegations and, where discrimination is found to be present, illuminating the causes of such discrimination, and make recommendations for policy changes that will address the problem;
- ♦ conducting and incorporating original research into Commission reports; specifically, our report on prisoner religious freedoms;
- ♦ adhering to integrated budgeting, planning, and performance management through compliance with applicable OMB guidance and continued implementation of our Program Assessment Rating Tool (PART) improvement plan;
- ♦ achieving sound financial management, fiscal accountability, and organizational efficiency as demonstrated by a clean financial audit, continued execution and evaluation of Lean Six Sigma principles as applied to our report production and advisory committee re-chartering and appointment processes; and
- ♦ implementing Government Accountability Office (GAO) and Office of Personnel Management (OPM) recommendations and monitoring their impact.

Implementing management initiatives and new program activities that support our goals of:

- Shaping a national conversation on civil rights,
 - Expanding the ability of federal agencies to raise public awareness of civil rights protections and to effectively execute their enforcement responsibilities,
 - Serving as a national clearinghouse for civil rights information, and
 - Normalizing and modernizing our operations and our use of information technology.
-

B. USCCR Organizational Structure

The Commission is an independent federal agency led by eight appointed commissioners. Their responsibilities include establishing agency policy on civil rights issues, adopting program plans, goals and priorities, approving national office project proposals, and adopting the agency's budget. The staff director, appointed by the president with the concurrence of a majority of the commissioners, is the administrative head of the agency.

i. Headquarters Organization

There are seven offices and units in our national office, and six regional offices. Of the national offices, two are primarily responsible for civil rights-related research and study—the Office of Civil Rights Evaluation and the Office of the General Counsel. Descriptions of the key functions for each Commission office and division are below.

Office of the Staff Director

This office, through the staff director, oversees the overall operation and management of our agency including:

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

This office also oversees all agency program activities and initiatives.

Office of the General Counsel

The Office of the General Counsel (OGC) provides the legal expertise and advice that is required to support our fact-finding and ensure the legal integrity of our written products. This office supports the lawful operation of the agency and advises agency leadership and career managers on a range of administrative law matters. In addition, this office plans briefings and hearings on civil rights issues and generates related reports for public dissemination.

Office of Civil Rights Evaluation

The Office of Civil Rights Evaluation (OCRE) provides the subject matter and analytical expertise required to prepare social-scientific evaluations of civil rights issues. Consistent with agency resources, this office monitors the activities of numerous federal agencies as well as national and regional civil rights trends. Based on information gathered through monitoring and other sources, this office develops concepts for civil rights studies and projects. It also conducts these studies and issues reports; handles briefings on issues of current interest and emerging issues; receives, researches, analyzes, and refers civil rights complaints; and responds to public and congressional inquiries.

Office of Management

The Office of Management (OM) provides administrative support to all our offices. Several divisions fall within this office:

- ♦ Budget and Finance Division,
- ♦ Human Resources Division, and
- ♦ Administrative Services and Clearinghouse Division.⁸

The Office of Management supports all the agency's strategic goals and objectives by ensuring that human and financial capital are available, and that logistical support is in place to support the agency's mission. For example, this office supported our civil rights-related goals and objectives in FY 2008 in several ways, including ensuring that:

- ♦ reports are designed, edited, published and made available to the public online and in our public library,
- ♦ reports are distributed to interested parties by mail and other distribution means,
- ♦ the agency's Web site has timely information about Commission reports, briefings, and other activities,
- ♦ the agency's Web site uses the latest technology to support our public outreach and awareness campaign,
- ♦ goods and services are promptly procured in a manner consistent with applicable law and regulations,
- ♦ the agency completes an annual financial audit and complies with applicable laws and regulations related to sound financial management, and

⁸ The Administrative Services and Clearinghouse Division is responsible for Information Technology, Procurement and Acquisition, Robert Rankin National Civil Rights Library, Copying/Printing, and Mail Services/Distribution

- recruitment and hiring are undertaken with an awareness of the agency's mission and the skills and abilities that support mission success, and in a manner consistent with OPM rules and regulations.

OM, through the Human Resources Division, is responsible for developing and executing our human capital and accountability system that links individual employee performance to achieving the agency's mission and strategic goals.

Congressional Affairs Unit

The Congressional Affairs Unit (CAU) serves as our liaison with Congress, responding to requests for specific information, identifying opportunities for our commissioners and others to provide testimony and information to congressional members and their staff on civil rights matters, and ensuring the distribution of our studies and reports to all members. CAU monitors the legislative activities of Congress and provides support in the conceptualization and production of studies and reports with information gathered via its monitoring activities. In FY 2008, as in prior years, all staff positions in CAU were vacant. An attorney advisor in the Office of the Staff Director handled basic duties related to congressional affairs.

Public Affairs Unit

The Public Affairs Unit (PAU) serves as the public voice of the Commission and ensures that the public knows about our activities and publications. It also coordinates and carries out such activities as briefing reporters, holding press conferences, issuing press releases, arranging press interviews and speaking engagements for commissioners and approved staff, and monitoring press activity regarding the Commission and civil rights issues. PAU deals directly with the public in responding to inquiries and by attending meetings of civil rights organizations. In FY 2008, as it was in prior years, all staff positions in PAU were vacant. The Office of the Staff Director handled some basic duties, such as preparing press releases and responding to press calls, on an "as-needed" basis.

Equal Employment Opportunity (EEO) Programs

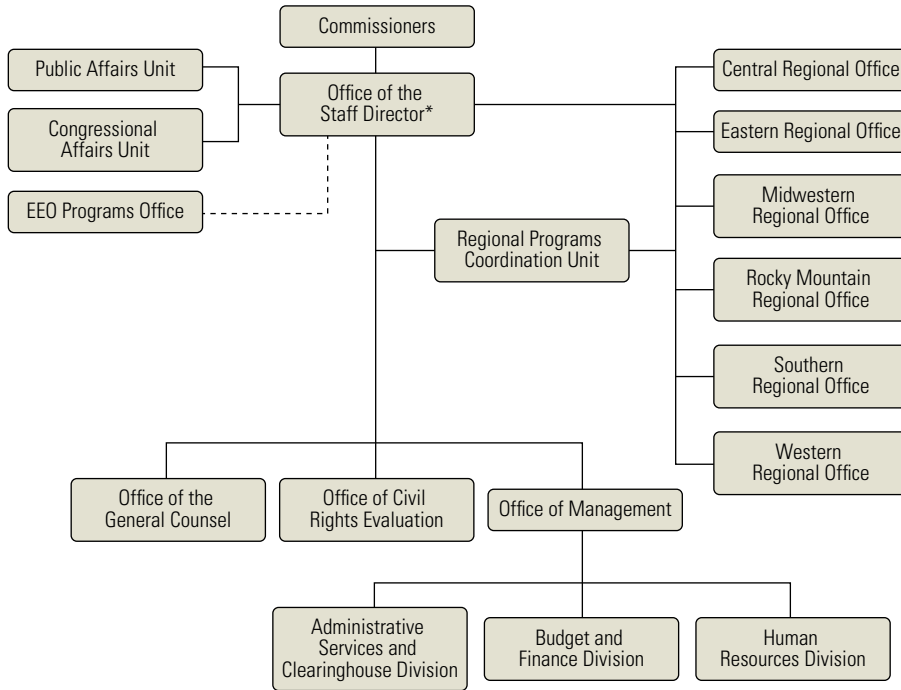
This office is responsible for the overall management of our EEO complaint system. This system affords applicants for employment and employees of the Commission, who believe that they were victims of discrimination based on race, color, age, religion, national origin, sex (including sexual harassment), physical or mental disability, or reprisal in connection with EEO-related activities, with a means of review and appeal. This office currently has no full-time staff; an OCRE staff member serves as the head of our EEO office as a collateral duty.

ii. Regional Programs

Regional Programs Coordination Unit

The chief of the Regional Programs Coordination Unit (RPCU) coordinates the activities of the Commission's six regional offices. This position has no supervisory relationship with regional office staff but is responsible for coordinating, monitoring, and reporting on regional activities for the national office, and communicating national office policies and priorities to regional offices.

Organizational Structure US Commission on Civil Rights



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

Regional Offices: Organization and State Alignment

The six regional offices provide critical support to the 51 state advisory committees required by our statute. A regional director leads each office and, for several years, each office typically has one or more civil rights analysts and a secretary. These offices coordinate the Commission's operations in their regions and assist the state advisory committees in their activities. Regional directors are also responsible for the day-to-day administration of their office and the supervision of office staff.

Presented below is our regional alignment.

- ♦ *Central Region (CRO)*: Alabama, Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, and Oklahoma.
- ♦ *Eastern Region (ERO)*: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.
- ♦ *Western Region (WRO)*: Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Texas, and Washington.
- ♦ *Southern Region (SRO)*: Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee.

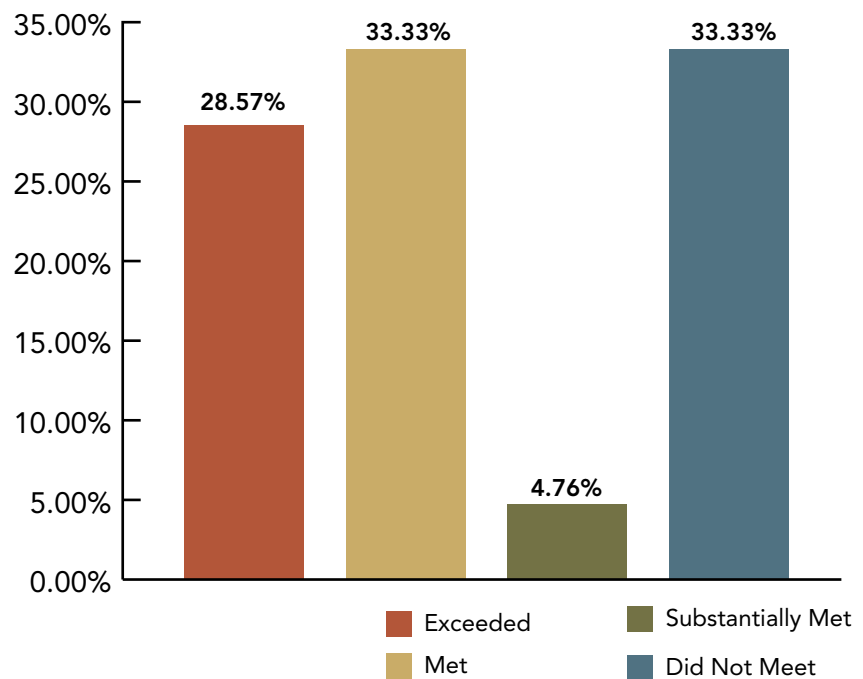
- ♦ *Rocky Mountain Region (RMRO)*: Colorado, Montana, New Mexico, North Dakota, South Dakota, Utah, and Wyoming.
- ♦ *Midwestern Region (MWRO)*: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

The following organizational chart visually depicts our structure.

C. Performance Highlights

This subsection highlights our performance during the fiscal year. Our level of performance, based on where we began, is noteworthy. In previous years, we worked with limited performance data and, therefore, we were handicapped in our ability to demonstrate program results. The below graph depicts the level of our performance based on established performance targets for FY 2008.

Overall Performance in FY 2008



What this graph does not show is that FY 2008 is the first year in which we operated under our new five-year strategic plan. It also does not show that we operated with less funding in FY 2008 than in the previous two years. In FY 2005, we began a strategic planning process that eventually replaced our outdated 1997 plan and brought the agency more fully into compliance with the Government Performance and Results Act (GPRA). Unlike the outdated plan, our new plan clearly defines our goals and objectives, and uses quantifiable performance measures.

Meeting or exceeding 62% of all annual performance targets and making sound progress toward achieving our strategic vision of being the foremost voice of civil rights for the nation in the 21st century.

Financial expenditures directly related to carrying out our core program activities of holding hearings and briefings, approving reports for public distribution, and supporting state advisory committee fact-finding totaled \$1,473,507 and account for 17 percent of our agency's budget.⁹ This includes labor and non-labor related costs for civil rights projects completed this fiscal year as well as those still underway at the close of the fiscal year. The cost of the activities discussed in the performance section of this report, excluding complaint referrals, totaled \$856,019 or 58 percent of our total FY 2008 program activity expenditures.

Transitioning to a new strategic plan, while grappling with funding decreases, is challenging. In spite of these obstacles, we met or exceeded 62 percent of our performance targets. In the part of this subsection titled, "Pursuing Our Strategic Vision: Creating Accountability and Achieving Successes", we highlight our performance related to each of our strategic goals. We follow this with a discussion of our OMB PART implementation plan titled, "Continuing Implementation of our PART Improvement Plan", and a review of our Federal Managers' Financial Integrity Act (FMFIA), OMB A-123, and Federal Information Security Management Act of 2002 (FISMA) compliance.

i. Pursuing Our Strategic Vision: Creating Accountability and Achieving Successes

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

- ♦ Shape a national conversation on current and future civil rights issues that identifies civil rights priorities for policy makers.
- ♦ Expand the capacity of federal agencies to raise public awareness of civil rights and efficiently and effectively execute their civil rights enforcement responsibilities by engaging in strategic partnerships.
- ♦ Serve as an authoritative national clearinghouse and repository of civil rights data and information.
- ♦ Normalize the Commission's financial and operational controls, and modernize its information technology management and dissemination.

Each of these long-term goals has objectives and performance measures. Our FY 2008 annual performance plan sets forth the specific activities and outcomes that we should accomplish during the year in order to attain our long-term goals. As mentioned, overall, we met or exceeded 62 percent of our performance targets for the year. The specific performance targets and a breakdown of our actual performance by strategic goal are in the "FY 2008 Performance: USCCR Goals, Objectives, and Results" section of this report. The following discussions serve to highlight aspects of our performance.

⁹ U.S. Commission on Civil Rights, Office of Management, "Project Cost Report", EOY Statement for FY 2008.

Meeting or exceeding 71% of our annual performance targets and making sound progress toward achieving our strategic goal of shaping a national conversation on current and future civil rights issues.

Strategic Goal One Performance Highlights

Shaping a national conversation on civil rights relies heavily on executing our core mission of conducting public briefings on a wide array of civil rights topics and from varied perspectives. It also involves issuing substantive civil rights reports relied upon by the President and Congress, and meeting our statutory obligations related to our state advisory committees. Overall, we met or exceeded 71 percent of our performance targets for strategic goal one. By reaching our performance targets, we furthered three long-term objectives of this goal, more specifically:

- ♦ Reinigorating our state advisory committees;
- ♦ Energizing the advisory committees by enhancing their institutional role in program planning and increasing their productivity; and
- ♦ Commissioning a multi-state report and requesting that individual advisory committees identify civil rights priorities and issues facing their state.¹⁰

One way we met one of our performance targets was by organizing six public briefings on existing and emerging civil rights issues. These civil rights policy briefings included 45 experts, researchers, academicians, and advocates discussing various aspects of civil rights policy. More information on our briefings is available in the subsection in the FY 2008 performance section called “Strategic Goal One: FY 2008 Performance Targets”. The approval of two briefing reports, one on voter fraud and another on the use of racial categories in the 2010 census, and the approval of our annual enforcement report, also contribute to the fulfillment of our performance targets.

These national office activities are opportunities for our advisory committees to propose and develop future follow-up activities that focus on national issues from the state and local perspectives. The annual enforcement report energizes the advisory committees by providing them an opportunity to participate in a national office civil rights project. After the Commission approved religious discrimination and prisoner rights as a topic, the commissioners adopted a motion requesting that chartered advisory committees and our regional offices also take up the issue.¹¹ Their research complements the research of our national and regional office staff and strengthens the final report.

We met other targets by reducing our backlog of un-chartered advisory committees by 50 percent, down from 34 to 17, and renewing the charters of two advisory committees within 60 days of their expiration. More operational committees mean more support for our national office civil rights initiatives and activities, increased productivity, and improved compliance with our statutory duties. Finally, we

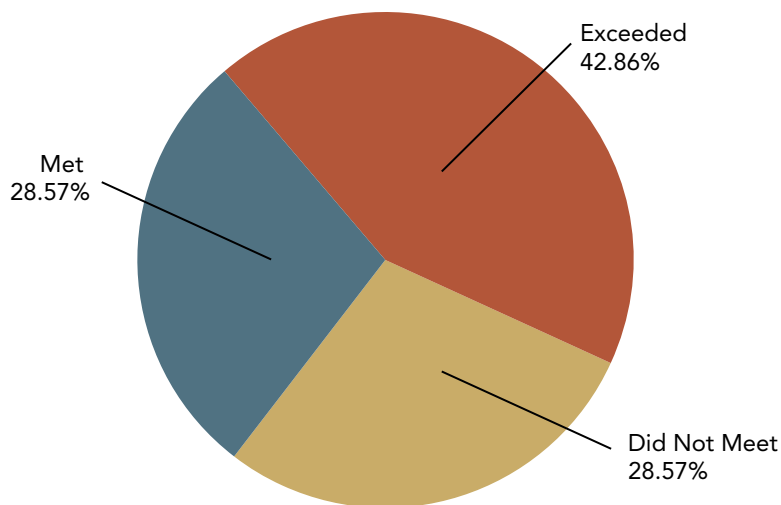
¹⁰ A fourth objective calls for convening a national conference in FY 2009 to obtain varied perspectives on the civil rights issues of the 21st century. We did not incorporate this objective and performance target into our FY 2008 annual performance plan since its planning and execution are scheduled to occur in FY 2009.

¹¹ Memorandum to Regional Directors, Office of the Staff Director, Kenneth L. Marcus (July 7, 2006).

successfully solicited ideas from several state advisory committees for follow-up activities to national office projects.

We have identified several areas where performance improvement is necessary if we are to meet or exceed all our performance targets. We must further increase the number of active advisory committees, formally document our solicitations of advisory committees for ideas for follow-up activities to national office projects, complete our projects within a 12 to 17 month timeframe, and complete briefing reports (including publication and distribution) within 7 ½ months from the date of the briefing. Currently, we have projects and reports that fall outside these established parameters, and we cannot accurately determine other project/report lifecycles due to inadequate tracking and reporting. The implementation of project management software, as currently planned for FY 2009, will support improvement in both these areas. We plan to acquire similar software to track and monitor regional office performance related to the advisory committee management.

Strategic Goal 1: Shaping a National Conversation on Civil Rights (Rating Target Performance)



Strategic Goal One: Challenges and Proposed Corrective Actions

Challenge	Proposed Action
Increase the number of chartered advisory committees	<p>Review the status of pending committee re-charters during regularly scheduled meetings held by the chief of RPCU with all regional directors.</p> <p>Fully implement the use of Lean Six Sigma checklists, and tracking and reporting tools by all regional offices and RPCU.</p> <p>Maintain a master list or summary sheet within RPCU of the status of all regional office re-chartering activity and annual performance targets to identify potential delays and challenges related to achieving regional office and agency-level performance targets.</p>
Solicit advisory committee input for follow-up ideas	<p>Ensure that the national office and RPCU formally communicate with regional offices and advisory committees concerning national program planning and committee input into follow-up activities. We should document these communications and retain copies in RPCU's files.</p>

Strategic Goal One: Challenges and Proposed Corrective Actions

Decrease national office project completion times	Install, train staff, and implement MS Project management software during FY 2009 to improve program office management of projects. This includes the management of staff time, the assignment of duties/responsibilities, setting and meeting project milestones, conducting project risk assessments, proposing risk mitigation strategies, and submitting required monthly status reports.
Decrease briefing report completion times	Install, train staff, and implement MS Project management software during FY 2009 to improve program office management of projects, including briefing and statutory reports.

Strategic Goal Two Performance Highlights

Our second strategic goal, expanding the ability of federal agencies to raise public awareness and execute their civil rights enforcement responsibilities, aims to attain these long-term objectives:

- ♦ Studying the role and effectiveness of different federal enforcement agencies and making recommendations as to how those agencies might enhance their effectiveness;
- ♦ Partnering with other civil rights agencies in studying the effectiveness of laws, developing reasonable interpretations of unclear laws, and making recommendations for updates or changes to laws; and
- ♦ Promoting greater public awareness of current civil rights issues, remedies, and enforcement agencies.¹²

We met or exceeded 50 percent of our FY 2008 performance targets for this goal. Our trained social scientists and attorneys were instrumental to achieving our reported successes. Social scientists in the OCRE collected and analyzed research data for our annual federal civil rights enforcement report examining the exercise of religious freedom in prisons. Attorneys in our OGC aided this report by reviewing and interpreting federal and state case law and statutes governing religious freedom. The legal and social scientific work underpinning this report resulted in eight findings and five recommendations for reform that will assist the Department of Justice, Bureau of Prisons, and various state and local correctional facilities in affording prisoners greater protections. Our recommendations also balance prisoner rights with legitimate security concerns. A more detailed discussion of the report is contained in the section on FY 2008 performance; more specifically, in the subsection titled “Strategic Goal Two: FY 2008 Performance Targets”.

In addition to serving our stakeholders through our reports, we provide a complaint referral service that allows us to provide a public service as well as to informally partner with other federal agencies. We received 3,649 complaints and requests for assistance from the public and members of Congress. Furthermore, we made 700 referrals to other federal agencies with civil rights enforcement authority. Of these, 87 percent were referrals to the Department of Justice (DOJ) and 6 percent to the Equal Employment Opportunity Commission (EEOC). Looking forward,

¹² This goal has five objectives; however, we did not incorporate two of them into our FY 2008 performance plan.

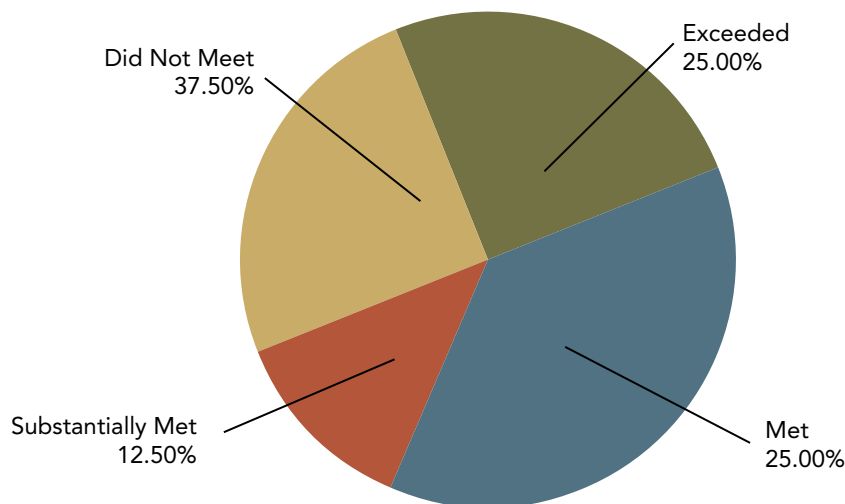
Meeting or exceeding 50% of our annual performance targets and demonstrating sound progress toward achieving our strategic goal of expanding the ability of federal agencies to raise public awareness and execute their civil rights enforcement responsibilities.

we propose evolving this complaint referral service into a national database that allows us to identify existing and emerging civil rights issues and areas needing concentrated enforcement efforts. OCRE will lead this project and the anticipated result is the publication of data that will inform the decision-making of other agencies with respect to identifying their civil rights enforcement priorities.

We promoted public awareness of civil rights issues, laws, and enforcement agencies by presenting the six public briefings previously mentioned, issuing press releases, and generally making more civil rights-related information available on our Web site.

It is possible for us to improve future performance under strategic goal two by increasing our involvement in public symposia as subject matter experts, and consulting with or testifying before Congress on civil rights matters, including pending and proposed legislation. Moving forward we should more effectively use the media to support public awareness of our activities and work products, and timely post copies of our meeting and briefing transcripts on our Web site. The absence of congressional and public affairs staff remains a hindrance. We should review and revise, as determined appropriate, our current policies on public and congressional affairs.

Strategic Goal 2: Expanding the Ability of Federal Agencies to Raise Public Awareness of Civil Rights and Execute Their Enforcement Responsibilities
(Rating Target Performance)



Strategic Goal Two: Challenges and Proposed Corrective Actions

Challenge	Proposed Action
Increase congressional contacts and provide substantive input on proposed civil rights legislative agenda items	Review this target and determine whether it is realistic given the agency's current staffing. Review and revise AI 1-4 on congressional and White House liaison activities (last issued in 1999) to ensure that it supports current agency goals and objectives.
Hold an annual press conference on Commission reports and/or other significant activity	Communicate this performance goal to our acting public affairs staff member. Provide acting public affairs staff with a copy of the agency's internal policy governing public affairs (AI 9-1) and review with staff the sections dealing with the scope and duties (including organizing press conferences). Clarify with acting staff that the target is to hold an annual press conference linked to one of two specific activities in FY 2009: the national civil rights conference or the release of the FY 2009 statutory report. Request that written proposals be prepared for holding press conferences for the proposed FY 2009 national conference and the FY 2009 statutory report. These proposals should reflect a consideration of time, location, costs, invitations, media and public notices, costs, participants, etc.
Post all meeting and briefing transcripts, and approved reports on the Web site	Revise how draft transcripts are finalized by making the appropriate office (OGC, OCRE, or OSD) responsible for reviewing and proposing edits to be submitted to the court reporter. The court reporter is then required to produce a final official transcript for our acceptance.
Increase participation in public symposia where we share our views	Review the AI on agency communications/public affairs to determine whether impediments to achieving this target exist and propose revisions, if determined to be appropriate. Request that each program and regional office submit a proposal for our participation in at least one national conference or other event during FY 2009.

Meeting or exceeding 100% of our annual performance targets related to achieving our strategic goal of serving as an authoritative national clearinghouse and repository of civil rights data and information.

Strategic Goal Three Performance Highlights

Our third strategic goal calls upon us to serve as an authoritative national clearinghouse and repository of civil rights data and information with the long-term objectives of:

- ✦ Strengthening the quality and objectivity of our civil rights reports;
- ✦ Collecting and analyzing existing data on disparities among racial and ethnic groups, between the sexes, between the disabled and those who are not disabled, and among other protected classes;
- ✦ Issuing reports that assess the credibility of discrimination allegations and, where discrimination is found to be present, illuminating the causes of such discrimination, and making recommendations for policy changes that will address the problem; and
- ✦ Conducting original research that brings new or unique information to the civil rights policy debate.

We met or exceeded all of our FY 2008 performance targets for this strategic goal. We strengthened the quality and objectivity of our reports by implementing

the nine recommendations made by GAO in May 2006. We revised our internal policies to ensure that a balance of viewpoints and perspectives are present in our national office reports, and later worked with an independent Inspector General who recommended additional corrective measures to ensure the quality and objectivity of our reports.¹³ The IG also consulted with us on methods for increasing the utilization of our advisory committees. We executed all of the IG recommendations including:

- ♦ the decentralization of our operating budget to provide separate funding to support regional office and advisory committee activities,
- ♦ the adoption of quality control and efficiency protocols for re-chartering our advisory committees,
- ♦ the use of timeframes for completing re-charters,
- ♦ the use of external reviewers to reasonably ensure that each report is produced in compliance with our objectivity and quality protocols, and
- ♦ the use of checklists for documenting compliance with new national office report objectivity and balance protocols.

A more detailed discussion of these and other measures is in the larger discussion of FY 2008 performance in the subsection titled “Strategic Goal Three: FY 2008 Performance Targets”.

Collecting and analyzing data, conducting original research, and issuing reports on disparities and discrimination one again took the form of our six expert briefings and three civil rights reports. The six briefings will inform future reports such as those on discrimination against Native Americans in border towns, voting rights enforcement for the 2008 presidential election, and the impact of immigration on low-wage African American workers. As mentioned earlier, we approved for publication two briefing reports based on previously held briefings:

- ♦ *Voter Fraud and Voter Intimidation*, and
- ♦ *Racial Categorization in the 2010 Census*.

As a result of the briefing on voter fraud and voter intimidation, we concluded that in recent years real and perceived flaws in the election system have resulted in concern and mistrust of the voting process in the United States.¹⁴ Allegations include misplaced and/or indiscernible votes, long waits at polling places, confusing

¹³ See Administrative Instruction 1-6, *National Project Development and Implementation* (issued Feb. 2007), and Administrative Instruction 5-7, *Regional Program Development and Implementation* (issued Dec. 2006), incorporating agency and IG reforms.

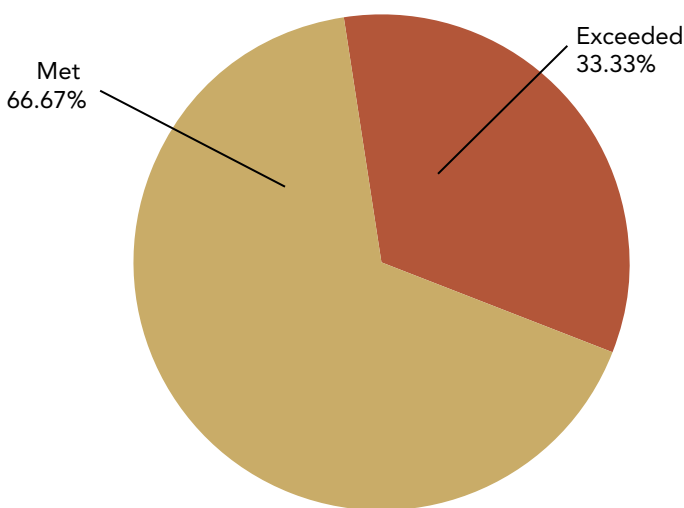
¹⁴ U.S. Commission on Civil Rights, *Voter Fraud and Voter Intimidation*, 2007, p. 16.

Ensuring that our work products are credible and reliable by:

- Implementing policies that strengthen the quality and objectivity of our national office work products,
 - Creating more accountability, and
 - Monitoring and revising, as determined necessary, reforms that address previous Government Accountability Office recommendations for supporting work quality.
-

or malfunctioning voting mechanisms, inaccurate voter rolls, uncertainty regarding identification and other voting requirements, and voter fraud and voter intimidation.¹⁵ Voter fraud and voter intimidation, in particular, disenfranchise voters and seriously weaken our political system. We also found that there is a need for improved administration of elections to assure that votes are accurately counted and verified. This requires qualified and competent election officials and trained poll workers in place well in advance of elections. Similarly, the census report contains findings and recommendations on the use of racial categories.

Strategic Goal 3: Serving as an Authoritative National Clearinghouse and Repository of Civil Rights Data (Rating Target Performance)



Receiving a clean financial audit opinion and meeting or exceeding 33% of our annual performance targets related to normalizing our financial and operational controls, and modernizing our information management.

Strategic Goal Four Performance Highlights

Our final strategic goal has two parts. First, normalizing our financial and operational controls and, second, modernizing our information technology management and dissemination. Three of the four objectives supporting this goal are:

- ✦ Adhering to integrated budgeting, planning, and performance management;
- ✦ Achieving sound financial management, demonstrating financial accountability, and streamlining and/or reorganizing the Commission's structure to efficiently execute its mission and make efficient use of its appropriations; and
- ✦ Continuing implementation of GAO and OPM recommendations.¹⁶

¹⁵ Ibid.

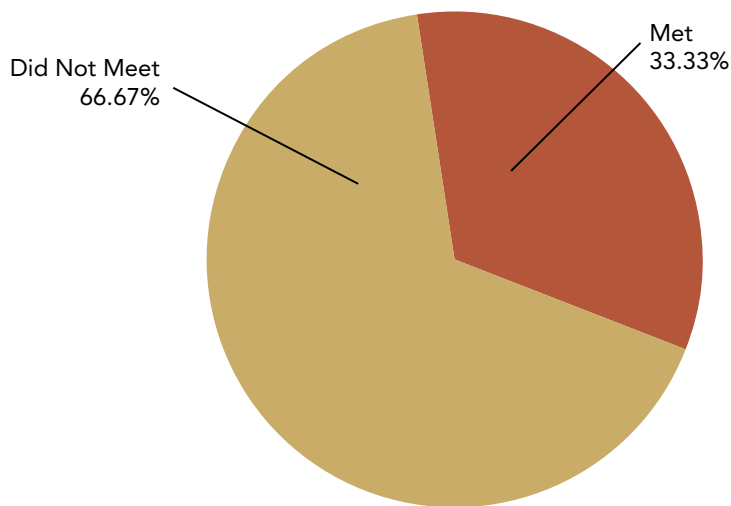
¹⁶ The fourth objective is to modernize our information technology infrastructure and improve IT management to enhance program efficiency. The performance target is the creation of a Web site similar to Firstgov.com or USA.gov by FY 2012. This objective and its performance target are not incorporated into our FY 2008 annual performance plan.

We did not reach our anticipated level of performance for this strategic goal by meeting only 33 percent of our performance targets. This year, as expected, we did receive our third clean audit of our financial statements. This allows us to meet one of three established performance targets and to demonstrate adherence to sound financial management practices. We did not conduct an assessment of the effectiveness and efficiency of our current administrative structure nor did we complete our human capital and accountability system.

We made efforts to compensate for the lack of a human resources director to lead this initiative by seeking OPM's assistance with identifying alternate sources of expertise. Though we identified a candidate completing a Masters of Science degree in organizational development who would provide the needed expertise in exchange for academic credit, we were unable to obtain the approval of his university. Consequently, we are still pursuing other creative options and consulting with OPM.

Though we did not conduct an organizational or an administrative efficiency assessment, we did complete two process efficiency and effectiveness assessments that are critical to our ability to fulfill our core mission of conducting studies and issuing civil rights reports, and maintaining our state advisory committees. We discussed Booz Allen Hamilton's work using Lean Six Sigma methodologies elsewhere in our report. A more detailed discussion of our financial management and accountability practices during the year is in the "Strategic Goal Four: FY 2008 Performance Targets" subsection of the more detailed discussion of our FY 2008 performance.

Strategic Goal 4: Normalizing Financial and Operational Controls & Modernizing Information Technology Management (Rating Target Performance)



Strategic Goal Four: Challenges and Proposed Corrective Actions

Challenge	Proposed Action
Conduct an assessment during FY 2008 of the effectiveness and efficiency of our administrative structure	Review this target to determine whether or how it can be accomplished in FY 2010 or FY 2011. Assess whether this target is too ambitious given various factors, including staffing and funding, agency priorities, and possible agency reauthorization.
Execute a workforce planning and human capital accountability system	Identify, in consultation with OPM, external sources of expertise that can assist in the completion of a system in FY 2009.

ii. Continuing Implementation of our PART Improvement Plan

The agency's OMB Program Assessment Rating Tool (PART) assessment, conducted in 2006, found that the Commission needed improvement in strategic planning, program management, and program results/accountability. The assessment identified the absence of long-term agency goals and adequate performance measures as obstacles to determining our effectiveness. Responding to these findings, we undertook a strategic planning process that concluded in October 2007 with the adoption of a new strategic plan that has objectives and performance measures. As demonstrated in the "FY 2008 Performance: USCCR Goals, Objectives, and Results" section of this report, our strategic plan is the foundation for developing annual performance plans that include quantifiable performance targets. Of equal benefit is the fact that our strategic and annual plans inform decision-making about our budgetary needs.

Our strategic plan calls for improving our 2006 PART score and we currently propose achieving a "moderately effective" score by FY 2010. Our PART improvement plan supports our efforts to demonstrate effectiveness; an example of how it does so is its focus on increasing the utilization of our state advisory committees. Consequently, we have developed clear targets for eliminating a backlog of unchartered advisory committees over the next two fiscal years and ensuring that committees with newly expiring charters are promptly re-chartered.

Consistent with our PART findings and our strategic plan, we are integrating our budget and program activities by improved compliance with OMB Circular A-11. This is resulting in improved project or activity-based cost estimates, and the availability of better quality information during agency budget and program priority decision-making.

iii. FMFIA, OMB A-123, and FISMA Compliance

We identified several risks and weaknesses in our internal control during our annual FMFIA and OMB A-123 assessment. We found that weaknesses still exist in the strategic planning category even though we reduced the number of weaknesses in this area by 50 percent. The remaining areas of concern are:

Executing a plan to demonstrate agency effectiveness by:

- Implementing and monitoring management initiatives that improve strategic and program planning, and
- Creating agency accountability for results by adopting quantifiable performance targets.

- ♦ the absence of office/division head knowledge about the development of office/division annual performance plans and their linkage to the agency's long and short-term goals and objectives, and
- ♦ the absence of staff performance plans (appraisals) that link performance to the agency's strategic goals and objectives.

Our assessment also shows slippage in our risk analysis. A new assessment tool adopted in FY 2008, combined with a revised internal policy for conducting risk assessments, should resolve any concerns by providing:

- ♦ improved assessment of internal control and risk at the office and division levels by office/division heads,
- ♦ improved documentation of office/division head assessments of internal control and risk, increased ownership and participation in internal control and risk assessments by office/division heads, and
- ♦ increased accountability for implementing corrective measures by giving office/division heads responsibility for developing and implementing proposed corrective actions for weaknesses they identify within their offices/divisions.

Among the corrective measures we are proposing are more consistent involvement of our management council in the development of risk management solutions, and creating opportunities to provide training to our managers on budget-performance integration. Budgetary constraints, and the resulting lack of resources and personnel, are continuing to place our mission at risk. These factors significantly contributed to our inability to complete our human capital plan and conduct an assessment of the effectiveness and efficiency of our organizational structure in FY 2008.

While we continue to experience FISMA deficiencies, we anticipate eliminating two longstanding issues in FY 2009 based on our substantial investment in technology-related needs during FY 2007 and FY 2008. A list of our current FISMA deficiencies is in Appendix B. During FY 2008, we continued to make significant investments in IT-related upgrades, including FISMA, continuity of operations, and electronic documents storage and archiving.

Using new tools to identify and minimize risks that could undermine our ability to achieve our mission and program goals.

Serving as good stewards of our financial resources by continuing to use sound financial management practices.

D. Financial Highlights

We continued using an external accounting services provider to strengthen our financial management during FY 2008 and supplement the work of our budget staff. Our accounting services provider, the General Services Administration (GSA)'s Heartland Finance Center, delivers a broad range of financial reports and services, and internal controls, including:

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

Based on our internal controls and GSA accounting services, which comply with all applicable OMB standards, we received a clean financial audit. Other highlights related to financial and operational management include improved performance-budget integration, and continued use of decentralized budget procedures to create accountability at the office and division head level.

Our funding level restricts the amount of non-personnel related funds we can provide each office to execute program activities. Most of these operating budgets are devoted to personnel expenses and, as a result, we have not achieved the level of accountability for results we expected when we decentralized our budget. Nonetheless, we should realize increased accountability as a result of a renewed focus on revising office and division annual performance plans based on our final appropriation. We have no material weaknesses related to internal control over financial reporting and no Improper Payment Act violations. We have no significant Prompt Payment Act violations though we paid \$312.00 in interest to one vendor. The auditors reflect this in their independent audit report as an instance of noncompliance with laws and regulations.

E. Limitations on Financial Statements

The principal financial statements have been prepared to report the financial position and results of operations of the entity, pursuant to the requirements of 31 U.S.C. 3515 (b). While the statements have been prepared from the books and records of the entity in accordance with GAAP for Federal entities and the formats prescribed by OMB, the statements are in addition to the financial reports used to monitor and control budgetary resources, which are prepared from the same books and records.

The statements should be read with the realization that they are for a component of the U.S. Government, a sovereign entity.



Management Statements of Assurance

The management of the U.S. Commission on Civil Rights is responsible for establishing and maintaining effective internal control and financial management systems that meet the objectives of the Federal Managers' Financial Integrity Act (FMFIA). The Commission is able to provide an unqualified statement of assurance that the internal controls over financial reporting and financial management systems meet the objectives of FMFIA as of September 30, 2008.

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

The management of the U.S. Commission on Civil Rights is responsible for establishing and maintaining effective internal control and financial management systems that meet the objectives of the Federal Managers' Financial Integrity Act (FMFIA). The Commission conducted its assessment of the effectiveness of internal control over the effectiveness and efficiency of operations and compliance with applicable laws and regulations in accordance with OMB Circular A-123, *Management's Responsibility for Internal Control*. Based on the results of this evaluation, the Commission can provide reasonable assurance that our internal control over the effectiveness and efficiency of operations, and compliance with applicable laws and regulations as of September 30, 2008, was operating effectively and no material weaknesses were found in the design or operation of the internal controls.

In addition, the Commission conducted its assessment of the effectiveness of internal control over financial reporting, this includes safeguarding of assets and compliance with applicable laws and regulations, in accordance with the requirements of Appendix A of OMB Circular A-123. Based on the results of this evaluation, the Commission can provide reasonable assurance that its internal control over financial reporting as of June 30, 2008 was operating effectively and no material weaknesses were found in the design or operation of the internal control over financial reporting.

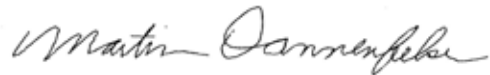
The Federal Financial Managers Improvement Act of 1996 (FFMIA) requires that "each agency shall implement and maintain financial management systems that comply substantially with federal financial management systems requirements, applicable federal accounting standards, and the United States Government Standard General Ledger at the transaction level." The Commission's external accounting services provider, the General Services Administration (GSA), uses

Making an unqualified statement of assurance regarding our internal control over financial systems and reporting.

Providing reasonable assurances about the effectiveness and efficiency of our internal control under OMB Circular A-123.

Finding no material weaknesses in the design or operation of our internal controls.

Pegasys Financial Management Application to process our accounting transactions. This application is a commercial-off-the-shelf (COTS) package based on CGI Federal's Momentum Financials. We also use the National Finance Center (NFC), a service provider agency within the Department of Agriculture, for our payroll and personnel processing. Both these systems meet the standards established by FFMIA.



Martine Dannenfelser
Staff Director
United States Commission on Civil Rights
November 15, 2008

FY 2008 Performance: USCCR Goals, Objectives, and Results

Our agency performs an important role in identifying emergent civil rights trends and evaluating federal agency civil rights enforcement programs. Our agency's strategic plan articulates the Commission's vision for executing its vital mission over the next five years and for overcoming various administrative challenges. The plan, adopted in October 2007, contains four long-term strategic goals. Associated with each of these goals are one or more objectives or specific statements of what we plan to accomplish.

Our FY 2008 annual performance plan includes performance goals or targets, against which we proposed to measure our performance. These performance targets support accomplishment of our strategic objectives. Below, we describe our FY 2008 annual plan performance targets. We evaluate and report our performance using these categories: Exceeded, Met, Substantially Met (achieved at least 75 percent of target performance), and Did Not Meet.

A. Reliability of Performance Data

Over the course of the year, Commission managers monitor and record their progress on achieving their performance goals. For our regional staff, this involves determining which advisory committees should be re-chartered in order to meet their annual goals, and documenting their advisory committee re-charter and member appointment progress. It also involves submitting quarterly and end-of-year reports on their complaint referral services, participating in biweekly meetings with the chief of RPCU, and submitting end-of-the-year performance data based on a production schedule. The user friendliness of the data provided by our regional offices can be improved by requiring regional staff to use standardized formats for reporting EOY performance information. A thorough review and consolidation of regional data into one document by RPCU would improve the accessibility and reliability of the data.

Offices in our headquarters are similarly responsible for reporting annual performance. OCRE and OGC typically begin reporting performance data during the last quarter of the fiscal year. The performance data primarily addresses the quantity, quality, effectiveness, and efficiency of their civil rights reports and briefings. Because FY 2008 is the first year for which we used our new strategic plan, data collection was challenging as staff worked to become familiar with the agency's annual performance plan and translating it into office and division performance plans. In FY 2009, we plan to install MS Project software to improve the quality, consistency, and timeliness of data reporting by our two headquarters program offices. Other offices, including regional offices, may be brought online as resources are available to expand the program.

Generating timely, comprehensive and accurate financial data related to program activities remains a challenge. This should be improved when our accounting and

Approving three national office reports and making 52 findings and recommendations:

- Voter Fraud and Voter Intimidation,
 - Racial Categorization in the 2010 Census, and
 - Enforcing Religious Freedom in Prison.
-

Using our state advisory committees to their full measure by:

- Soliciting advisory committee ideas for annual national office program planning,
 - Seeking proposals for advisory committee follow-up activities to national civil rights projects, and
 - Incorporating advisory committee research data into national research projects.
-

payroll systems are properly integrated. The staff director and commissioners were, however, able to use financial information to make decisions about the allocation of agency resources and agency priorities. In all, the performance data reported in this Performance and Accountability Report is complete and reliable, except where otherwise noted.

B. Strategic Goal One: FY 2008 Performance Targets

Strategic Goal 1: Shape a national conversation on current and future civil rights issues that identifies civil rights priorities for policy makers.¹⁷

	FY 2007 (actual)	FY 2008 (target)	FY 2008 (actual)
Increase the # of SACs re-chartered (1.1.1(a))	33% Chartered (Baseline Year)	85%	Did Not Meet
Eliminate the backlog of un-chartered SACs (1.1.1(b))	13% Reduction in Backlog	25% Reduction in Backlog	Exceeded
Achieve an average re-charter time of 60 days (1.1.1(c))	N/A	60 days	Exceeded
Conduct public briefings	6	5 ¹⁸	Exceeded
Complete civil rights reports (1.2.2(b))	3	3	Met
Obtain input from SACs as a part of national program planning (1.2.2(a))	Once annually (by October 31)	Once annually (by October 31)	Did Not Meet
Solicit SAC ideas for SAC follow-up activities on national office projects (1.2.2(c))	Once annually (during October 31)	Once annually (during October 31)	Met

National Office Performance

Providing the public with opportunities to hear experts and others debate and discuss current and emerging civil rights issues is critical to creating a national civil rights conversation. We held six briefings during FY 2008 that served this purpose:¹⁹ These briefings examined:

- ♦ the relationship between Native Americans and residents of border towns and communities adjacent to American Indian reservations,
- ♦ the disproportionate placement of non-Asian minorities in special education and factors influencing these placements,
- ♦ the rights of prisoners to freely practice their religion,

¹⁷ The strategic goal, objective, and associated performance measures are in parenthesis immediately following each performance measure. For example, "1.1.1(a)" cites to strategic goal 1, objective 1, performance measure 1(a) as found in the agency's Strategic Plan. See Appendix A of this report.

¹⁸ The total target number of briefings for the year is five though our posted annual plan indicates three.

¹⁹ We originally considered eight briefing topics for FY 2008. However, we later revised both the number and specific topics of these briefings. The result is that briefings on the Community Reinvestment Act, racial profiling remedies, religious discrimination in schools, faith-based and community initiatives, and corporate diversity were postponed for reconsideration. We held two other proposed FY 2008 briefings, Title IX and domestic wiretapping, in FY 2007. We then moved forward with the previously approved briefing on religious rights of prisoners and replaced the previous topics with five new briefing topics for FY 2008.

Providing the public opportunities to hear from no less than 21 federal, state and local agencies and departments, tribal governments, and various universities, organizations and groups on a range of civil rights issues.

- ♦ the impact of illegal immigration on low-wage African American workers,
- ♦ the Department of Justice’s 2008 presidential election monitoring and the best ways to address claims of voter fraud and intimidation, and
- ♦ the reasons talented minority students leave the disciplines of science, technology, engineering, and math (STEM) in disproportionate numbers.

Appearing before the Commission during the briefings were representatives of federal agencies and departments, advocacy and non-profit groups, research institutions, universities, and many others. A few of the agencies, departments and organizations participating in these briefings are:

American Civil Liberties Union	National Council on Disabilities
Americas Majority Foundation	National School Boards Association
Americans United for Separation of Church and State	The Navajo Nation
Center for Equal Opportunity	Peabody College
Center for Immigration Studies	Prison Fellowship
Federal Reserve Bank	The Goldwater Institute
Fisk University	U.S. Department of Education
George Washington University	U.S. Department of Justice
Georgetown University	University of California
Mexican American Legal Defense and Education Fund	University of Virginia
	Vanderbilt University

Our Commissioners approved three reports, including 52 findings and recommendations, on topics gathering public attention during the year:²⁰ The reports are:

- ♦ *Voter Fraud and Voter Intimidation* (approved May 2008),
- ♦ *Racial Categorization in the 2010 Census* (approved July 2008), and
- ♦ *Enforcing Religious Freedom in Prison* (approved September 2008).

The Office of the Staff Director solicited input from each chartered advisory committee on topics and follow-up activities for consideration during national office annual program planning. Our regional programs unit could not provide reliable documentation confirming that advisory committee input was sought for national program planning. We are resolving this by requiring a formal documented solicitation, and further requiring that a copy of the solicitation be kept in our files.

²⁰ The census report was scheduled for approval in FY 2007. Our voter fraud report, based on a FY 2007 briefing, was scheduled for approval in FY 2008.

Increasing the efficiency of state advisory committee re-chartering and the quality of committee member appointments.

Responding to requests from the public for information and advice about protecting their civil rights.

In FY 2008, we commissioned a multi-state report in which our advisory committees identify emerging civil rights issues and priorities in their states and regions. This will be an invaluable tool for policy-makers, researchers, and anyone interested in or directly affected by civil rights issues. Moreover, this project is an example of how we continue to fulfill GAO recommendations and reaffirm our commitment to incorporating advisory committees into our project planning and execution. We plan a FY 2009 release of this report.

Regional Program Performance

Our regional program is primarily responsible for achieving three performance targets related to this strategic goal. One target is increasing the percentage of chartered advisory committees from 33 percent (or 16 chartered committees) to 85 percent during FY 2008. We successfully increased our percentage to 51 percent (or 26 chartered committees) but fell short of our target level of performance. Ongoing staffing shortages in our regional offices and the absence of a full-time RPCU chief until this year fiscal year contributed to this shortfall. The appointment of a full-time chief of RPCU should increase efficiency by increasing the monitoring and coordination of the appointment and chartering processes.

On the other hand, we exceeded our target level of performance for reducing the number of state advisory committees in our backlog. Our backlog is composed of advisory committees with charters that expired on or before January 30, 2007. We have a backlog baseline of 34 advisory committees and we reduced our baseline by 13 percent in FY 2007. We planned a 25 percent reduction in the baseline backlog by FY 2008 and exceeded this goal by reducing baseline by 50 percent.²¹

Our target for renewing newly expiring charters, that is, charters expiring after January 30, 2007, is an average of 60 days. This means we have 60 days from charter expiration to obtain staff director review and approval to submit the charter and appointment recommendations to the commissioners for a vote. During FY 2008, we renewed two of three expiring committee charters within 60 days of their expiration. We renewed two of these charters before their charters actually expired; the third charter expired in August 2008 and we renewed it in October 2008.²²

Aiding in the effective enforcement of religious freedom by the Department of Justice by issuing a report that includes findings and recommendations for enforcing religious freedom in prisons.

²¹ We re-chartered four advisory committees in our backlog during FY 2007 and thirteen committees during FY 2008. This brings our total reduction to seventeen.

²² The newly expiring charters, all from our Southern Regional Office, were in Florida, Kentucky, and North Carolina. The charter for the committee in North Carolina expired in August 2008 and was renewed in October 2008.

C. Strategic Goal Two: FY 2008 Performance Targets

Strategic Goal 2: Expand the capacity of federal agencies to raise public awareness of civil rights and efficiently and effectively execute their civil rights enforcement responsibilities by engaging in strategic partnerships.

	FY 2007 (actual)	FY 2008 (target)	FY 2008 (actual)
Produce a report that addresses how civil rights agencies might enhance their effectiveness, including conducting exit or follow-up activities with agencies (2.1.1)	1 statutory report by September 30th	1 statutory report by September 30th	Met ²³
Increase congressional contacts and provide substantive input on proposed civil rights legislative agenda items (2.4.4(e))	2 (Baseline Year)	Baseline + 20% (Target: 2)	Did Not Meet
Host public briefings or hearings annually on civil rights issues (2.5.5(a))	N/A ²⁴	5	Exceeded
Issue press releases related to civil rights issues and Commission activities (2.5.5(c))	18	10	Met
Hold press conference on the Commission's statutory report or other significant activity/publication (2.2.5)	N/A	1	Did Not Meet
Post all public meeting and briefing transcripts, and approved reports on the Web site (2.5.5(d))	12	21	Substantially Met
Provide assistance to members of the public who seek advice and information about protecting their civil rights by offering a complaint referral service (2.5.5(e))	Maintain a 30-day complaint referral response time ²⁵	Maintain a 30-day complaint referral response time	Exceeded
Increase participation in public policy symposia and venues in which the Commission shares its views concerning civil rights policies (2.5.5(f))	Baseline Year	Baseline +1% (Target: 1)	Did Not Meet

Our statutory report on religious discrimination and prisoners' rights, *Enforcing Religious Freedom in Prison*, incorporated social scientific research data collected by our Office of Civil Rights Evaluation from the Department of Justice, and several state and county correctional facilities. It used state and local data collected by six advisory committees, Indiana, Illinois, Alabama, Mississippi, Florida, and California. We examined the legal foundation of prisoners' religious exercise rights, and the rules and guidelines related to religion in federal and state prisons and jails. We also researched the mechanisms federal and state prisons and jails used to facilitate religious requests (where feasible), and to record and process prisoner grievances related to religious exercise. Finally, we reviewed 250 reported Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) cases initiated from 2001–2006,

²³ Commissioners approved the statutory report on September 30 and allowed additional time for submission of concurring and dissenting views, as well as responses to these comments.

²⁴ This performance target was not applicable in FY 2007. Strategic Goal Two, as applicable in FY 2007, called for the agency to "Promote greater public awareness of civil rights issues, enforcement efforts and protections, and serve as a national clearinghouse for credible and reliable civil rights information." Briefings were not specifically associated with this goal in FY 2007.

²⁵ This applies to complaints received by headquarters.

examining trends by religion, judicial circuit, type of accommodation requested, and other factors.²⁶ Included among the 13 findings and recommendations made in this report for improved civil rights enforcement and protections are the following:

- ♦ Prison officials need to pay particular attention to ensuring that inmates of non-Christian faiths are not having their free exercise rights unduly burdened. To the extent that resource limitations affect prisons' ability to accommodate prisoners' religious requests, such burdens should be spread across all faith groups in a fair and reasonable manner.
- ♦ State prisons would benefit from looking at policies federal prisons have adopted in trying to balance national security concerns with prisoners' free exercise rights. To that end, better communication and knowledge-sharing between state, federal, and local correctional institutions would enhance each jurisdiction's efforts.
- ♦ Radicalization of inmates in both state and federal prisons poses a serious concern to fellow prisoners, prison officials, and others in the general population. Prison authorities should take national security considerations into account—carefully, evenhandedly, and without relying on ethnic or religious stereotypes—in reviewing all requests for religious accommodation. They should also factor these considerations into their vetting of religious contractors and volunteers.

While we continue to pursue closer collaboration with Congress on civil rights legislation, we find that the absence of any congressional affairs staff continues to hinder our efforts. Consequently, we were unable to reach our target goal related to increasing congressional contacts on substantive civil rights issues. While falling short of this goal we, nonetheless provided Congress and the public with relevant information through six public briefings on civil rights issues of interest to the public and policy makers.

We also issued press releases notifying the public of the opportunity to hear experts discuss these compelling civil rights topics, and placed them on our Web site. Though we still lack public affairs staff, we issued ten press releases. These included releases on six briefings, the publication of two advisory committee reports, the appointment of State advisory committee members in Arkansas, and a September briefing on civil rights issues raised by the changing demographics in Pennsylvania. This activity allowed us to meet our target level of performance.

We were not able to overcome that challenge of not having a functional public affairs office as we sought opportunities to participate as substantive experts at public policy symposia and other venues. Consequently, we could not identify and pursue opportunities for us to participate in civil rights-related events as subject matter experts as

²⁶ RLUIPA is a federal statute that provides stronger protection for religious freedom in the land-use and prison contexts. See 42 U.S.C. §§ 2000cc, et seq.

Implementing programmatic changes to support the overall quality of our work including policies on:

- National office report quality and objectivity,
- National office program planning,
- Regional office advisory committee re-chartering, and
- Regional office advisory committee appointments.

Issuing an annual civil rights enforcement report on religious freedom that includes social scientific research data.

called for in our strategic plan and in our FY 2008 performance plan. We are limited in our ability to network and cultivate external relationships, consistently meet with various groups to discuss pending and completed Commission reports, and publicize our work through displays at civil rights conferences and other appropriate events.

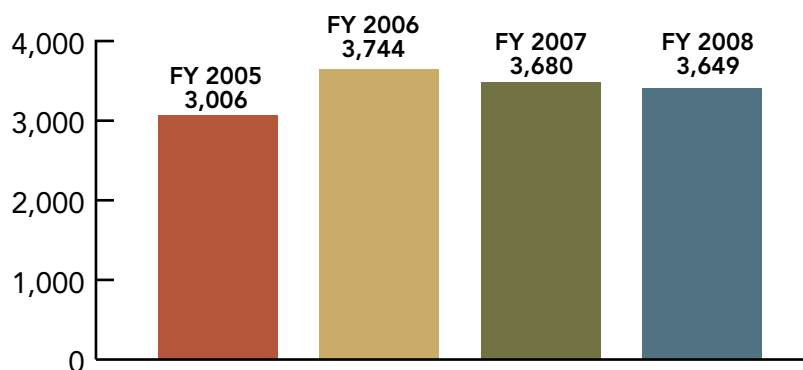
Our Commission meeting and briefing transcripts, and approved reports are publicly available via our Web site. We posted fourteen Commission meeting and civil rights briefing transcripts, and three advisory committee reports to our Web site in FY 2008. The advisory committee reports are on housing, voting rights, and education:

- ♦ *Fair Housing Enforcement in Kentucky: Presence of Local Human Rights Commissions Prompts More Disability Housing Complaints, Complaint Investigation Resolutions Are Similar for HUD and Local Commissions;*
- ♦ *Voting Rights in Florida: Revised Rules of Executive Clemency That Automatically Restore Civil Rights to Level-1 Offenders Is the Right Policy;* and
- ♦ *School Desegregation in Tennessee: 12 Districts Released from Desegregation Orders, 17 Districts Remain Under Court Jurisdiction.*

We continue to be proactive in monitoring the interpretation and application of federal civil rights laws and policies by agencies to ensure equal protection and fair treatment for all. In an August 2008 letter to the president, we reported the inconsistent application of administration policy in federal contracting by the Department of Transportation. In July 2008, in a letter to the Department of Education, we sought information on the accreditation of law schools and the use of affirmative action in law school admissions. We placed both letters on our Web site for public viewing.

We out-performed our target 30-day response time with an actual national office response time of 21 days for the 2,852 complaints we received. Of these, we made 727 referrals to other federal agencies. Our regional offices also receive civil rights complaints, reporting 797 complaints during FY 2008. Our combined annual number of complaints received exceeds 3,600.

Annual Number of Complaints



D. Strategic Goal Three: FY 2008 Performance Targets

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

	FY 2007 (actual)	FY 2008 (target)	FY 2008 (actual)
Implement adopted GAO findings and recommendations related to report quality (consistent with any Commissioner-approved timeline)(3.1.1.(b))	95% (Baseline Year)	95%	Exceeded
Complete three briefings and issue briefing reports on civil rights issues (3.2.2; 3.3.3)	N/A ²⁷	3	Met
Incorporate original social scientific research into Commission reports (3.4.4)	1 report containing original research data	1 report containing original research data	Met

We achieved 100 percent of our planned performance targets for this strategic goal. We successfully implemented all recommendations for strengthening the quality of our reports, presented six civil rights briefings, issued briefing reports, and incorporated social scientific data into our annual statutory report.

FY 2007 was a baseline year for determining the extent to which we complied with GAO recommendations for strengthening the quality of our reports. In May 2006, GAO made recommendations that called for us to:

- ♦ develop policies and procedures ensuring the inclusion of varied and opposing perspectives in national office fact-finding products, and well-document the process;
- ♦ develop a process for using external reviewers for national office reports;
- ♦ develop criteria for selecting external reviewers and ensure that the process is transparent and impartial;
- ♦ include, in written agency policies, criteria for commissioner and staff director review of national office reports and document any changes made to reports;
- ♦ require and document that presenters and witnesses at briefings and hearings, respectively, represent balanced, varied, and opposing viewpoints and perspectives;
- ♦ develop a process and timetable for approving advisory committee charters and appointing committee members;

²⁷ Strategic Goal Three, as applicable in FY 2007, calls for the Commission to “Evaluate and identify ways of improving the effectiveness and efficiency of federal agency enforcement of civil rights laws and policies.” Associated with the FY 2007 goal was the completion of the annual statutory report evaluating federal agency enforcement and two briefing reports.

- ♦ renew the practice of providing separate funding for regional offices and advisory committees;
- ♦ establish timeframes for staff director review of advisory committee reports to ensure their timely publication;
- ♦ integrate advisory committees into strategic planning and decision-making processes, including informing the Commission's goals and strategies; and
- ♦ establish an external accountability mechanism, such as seeking the services of an existing Inspector General (IG) from another agency.

We implemented the majority of these recommendations during FY 2007 and FY 2008, except for soliciting advisory committee input into strategic planning which we conducted during April 2006.²⁸ During these two fiscal years, we retained an IG to review our policies and procedures, revised Administrative Instruction 1-6, *National Project Development and Implementation*, finalized agency *Quality Information Guidelines*, and revised Administrative Instruction 5-7, *Regional Program Development and Implementation*.

Our changes to AI 1-6 consist of incorporating review criteria for draft reports that ask our commissioners to consider several factors:

- ♦ consistency with the project concept, proposal, outline, and discovery plans;
- ♦ existence of objectivity;
- ♦ quality and breath of the research;
- ♦ strength of the reasoning and analysis; and
- ♦ strength of the evidence supporting the findings, conclusions, and recommendations.

We make and maintain a written record documenting the disposition of commissioner comments to establish accountability for changes to our draft reports. Commissioner comments, if they meet the below standards, are usually incorporated into draft reports:

- ♦ are supported by the existing research, including any supplemental research which may reasonably be conducted within existing time constraints;
- ♦ are viewed as strengthening the quality and objectivity of the report;

²⁸ Letter to advisory committee members, Office of the Staff Director, Kenneth L. Marcus (April 20, 2006).

- are consistent with the approved scope and purpose of the project as reflected in the Commissioner-approved concept paper, proposal, outline, discovery plan and any subsequent modifications approved by a majority of the Commissioners; and
- are consistent with the structure and thrust of the report.

Other reforms put into practice by this AI formalize our balance and objectivity standards, and create methods for documenting compliance with our quality safeguards. This AI mandates the use of checklists to document our report production process, including to what extent we achieved or sought to achieve balance and objectivity, and our use of external reviewers selected by the staff director to certify our adherence to our quality safeguards. We, through this AI, also require the solicitation of input from a wide variety of internal and external sources during the process of identifying concepts for our research topics.

We issued *Quality Information Guidelines* to further maximize the quality, objectivity, utility, and integrity of certain types of information (including reports) disseminated by the Commission. The guidelines require each national office and regional program office to incorporate information quality principles into pre-dissemination review procedures, as appropriate. In most instances, we handle this through routine legal sufficiency and editorial reviews. The legal review ensures that reports do not defame or degrade individuals or entities. Our editorial review process, on the other hand, determines the adequacy and accuracy of the substantive information in draft reports (e.g., conceptual soundness, adherence to Commission policy, quality of the research, argumentation, and documentation of major points). Individuals affected by information disseminated by us also have access to a process for challenging the accuracy of the information and having the information corrected, as deemed appropriate.

Our revisions to AI 5-7 include more national office accountability for timely reviewing advisory committee reports. We support this by constructing a 65-day national office review or turnaround period for advisory committee reports. This AI also incorporates by reference our budget execution process that separately allots funds to each regional office for its operation. These funds are set aside to cover regional office salaries, benefits, and regional office expenses (including advisory committee expenses) not otherwise funded from the agency's central account. Our updated internal policies on budget formulation and execution explain how we decentralize our budget to provide separate operating budgets for our offices and divisions.²⁹

Furthermore, we reasonably ensure timely re-charting of newly expiring advisory committee charters and the elimination of the backlog of previously expired committee charters in AI 5-7. Under this AI, each committee with a charter that expires after January 30, 2007 should have a staff director-approved charter

²⁹ Administrative Instruction 3-1, Performance Budget Formulation (issued Jan. 2006), and Administrative Instruction 3-2, Budget Execution (issued Oct. 2006).

Receiving a clean financial audit opinion and meeting or exceeding 33% of our annual performance targets related to normalizing our financial and operational controls, and modernizing our information management.

memorandum and advisory committee membership appointments in place within 60 days after the charter’s expiration date. Each committee with a charter expiring on or before January 30, 2007 should be re-chartered consistent with our plan to resolve our backlog of expired committee charters by FY 2011. To support achieving these advisory committee re-chartering goals we developed and implemented critical-to-quality indicators and a system for documenting, tracking and reporting on our progress. We brought this about by consulting with Booz Allen Hamilton and using their Lean Six Sigma expertise to standardize and improve the efficiency of our re-chartering process.

Our briefings and civil rights reports, fully described in the above subsection captioned “Strategic Goal One: FY 2008 Performance Targets”, allowed us to exceed our performance target of holding three briefings by 50 percent. As mentioned earlier, our report, *Enforcing Religious Freedom in Prison*, incorporates social scientific research data collected by OCRE and several advisory committees. More information on this report is in the subsection titled, “Strategic Goal Two: FY 2008 Performance Targets”.

E. Strategic Goal Four: FY 2008 Performance Targets

Strategic Goal4: Normalize the Commission’s financial and operational controls, and modernize its information technology management and dissemination.

	FY 2007 (actual)	FY 2008 (target)	FY 2008 (actual)
Full compliance with OMB A-11 guidance for integrated budget by FY 2010 (4.1.1(a))	N/A	Baseline Year	N/A
Receive a PART score of at least “moderately effective” (4.1.1(b))	N/A	Baseline Year	N/A
Receive a “clean” or unqualified financial audit (4.2.2(a))	“Clean Audit”	“Clean Audit”	Met
Conduct an assessment during FY 2008 of the effectiveness and efficiency of the Commission’s current administrative structure (4.2.2(d))	N/A	Complete Assessment	Not Met
Execute workforce planning and human capital accountability systems (4.2.2(e))	N/A	Complete in FY 2008	Not Met
Implement adopted GAO and OPM audit findings and recommendations that address financial and operational procedures (4.3.3)	N/A	Baseline Year	N/A

By May 2006, we received 63 recommendations for remediation from GAO and, by January 2008, the Commission implemented 97 percent of these recommendations. We discuss some of the implemented recommendations throughout this report, including:

- ♦ improving performance-budget integration under OMB Circular A-11 through new budget formulation and execution policies,
- ♦ decentralizing our operating budget,
- ♦ adopting a strategic plan with quantifiable performance measures,

- ♦ using Lean Six Sigma methodologies to improve program effectiveness and efficiency, and
- ♦ utilizing an independent IG to review and recommend changes to improve our report quality and advisory committee management.

In addition, we revised or created new internal policies and procedures to execute other recommendations. The remaining unresolved recommendations, however, are linked to completing our human capital and accountability system.³⁰ Our progress continues to suffer from delays due to the departure of our director of human resources. Efforts are ongoing to locate alternate resources to complete and undertake execution of the system during FY 2009.

In spite of the existence of clear challenges in our Human Resources Division, we experienced some success in this area during the year. In late 2008, OPM completed an audit of our human resources' delegated examining program, including how it supports mission accomplishment and operates within the merit system principles. Of the 24 assessment standards used during the audit, we met or partially met all but one.³¹ Nine recommendations for corrective action and two "required actions" resulted from the audit. We submitted a written response to OPM outlining the steps we are taking with respect to their recommended actions. Of particular note is our recent agreement with a service provider that will automate our recruitment process that will resolve at least one OPM recommendation. The new system should ensure that our vacancy announcements are clear and contain all required information, avoiding duplications and omissions. All recommendations and required actions will be resolved in FY 2009.

F. Other Information Related to Annual Performance Reporting

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

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

³⁰ The outstanding recommendations include establishing a Human Capital and Accountability System and linking our performance management system to our strategic plan.

³¹ There are 25 standards; however, one was not applicable because we had no auditable activity related to the use of hiring incentives.

FY 2008 Financial Management: Being Good Stewards of our Financial Resources

This section demonstrates our commitment to effective stewardship over our funds and compliance with applicable federal financial management laws and regulations. It includes the message from the director of management who is responsible for the Budget and Finance Division, Financial Statements and Notes to the Financial Statements, the *Independent Auditors' Report* – an independent opinion on the Financial Statements, and Required Supplemental Information.

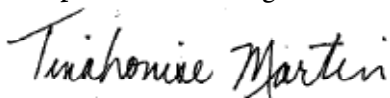
A. Message from the Director of Management

I am pleased to report that, for fiscal year 2008, the Commission once again received an unqualified audit opinion on its financial statements. This marks the third straight year that we have received a clean audit opinion with no identified material weaknesses in internal control over financial reporting. In light of these successes, we proudly report that we fully achieved our target performance level related to financial management, including obtaining a timely financial audit under the Accountability of Tax Dollars Act and receiving a clean audit opinion. Rest assured that the receipt of this clean audit opinion does not end our longstanding commitment to continuous improvement in financial management and internal control.

During FY 2008, we continued to monitor and evaluate the implementation and effectiveness of the financial management practices developed in FY 2006 and FY 2007. In FY 2008, we continued to use our reconciliation procedures to ensure the accuracy of financial information, created policies and forms to ensure that we appropriately documented our procurement transactions, and revisited our travel policies to ensure the existence of needed documentation and compliance with federal regulations. We also continued our contract with an accounting services provider to supplement our budget staff and provide an accounting system that complies with all applicable federal laws and regulations. These and other efforts by dedicated and professional Commission staff enabled us to earn our third clean financial audit. On behalf of the Commission, I thank the employees who worked tirelessly each day to achieve our goals. This report is a reflection of their extraordinary dedication to the Commission and our mission.

The auditors' report on Compliance with Laws and Regulations for this year does contain one new compliance issue and a related recommendation for action. We accept responsibility for addressing this issue and expect to take action immediately.

While we are pleased with our FY 2008 accomplishments, we will continue striving to improve all aspects of our financial management and anticipate even greater accomplishments during FY 2009.



Tina Louise Martin
Director of Management

B. Financial Statements & Notes, and Auditors' Report

UNITED STATES COMMISSION ON CIVIL RIGHTS BALANCE SHEETS

	September 30,	
	2008	2007
ASSETS		
Intragovernmental		
Fund balance with treasury (Note 3)	\$ 2,909,670	\$ 2,784,285
Accounts receivable (Note 4)	5,516	-
Total intragovernmental	2,915,186	2,784,285
General property, plant and equipment, net (Note 5)	63,835	75,618
TOTAL ASSETS	\$ 2,979,021	\$ 2,859,903
LIABILITIES (Note 6)		
Intragovernmental		
Accounts payable	\$ 6,955	\$ 27,491
Total intragovernmental	6,955	27,491
Accounts payable	569,262	620,037
Other (Note 7)	624,454	484,612
Total Liabilities	1,200,671	1,132,140
NET POSITION		
Unexpended appropriations - other funds	1,994,224	1,939,741
Cumulative results of operations - other funds	(215,874)	(211,978)
Total Net Position	1,778,350	1,727,763
TOTAL LIABILITIES AND NET POSITION	\$ 2,979,021	\$ 2,859,903

The accompanying notes are an integral part of these statements.

UNITED STATES COMMISSION ON CIVIL RIGHTS
STATEMENT OF NET COST

	Year Ended September 30,	
	2008	2007
PROGRAM COSTS		
Gross costs (Note 8)	\$ 8,383,710	\$ 8,271,321
Net program costs	8,383,710	8,271,321
NET COST OF OPERATIONS	\$ 8,383,710	\$ 8,271,321

The accompanying notes are an integral part of these statements.

UNITED STATES COMMISSION ON CIVIL RIGHTS
STATEMENT OF CHANGES IN NET POSITION

	Year Ended September 30,			
	2008		2007	
	Cumulative Results of Operations	Unexpended Appropriations	Cumulative Results of Operations	Unexpended Appropriations
Beginning balances, as adjusted	<u>\$ (211,978)</u>	<u>\$ 1,939,741</u>	<u>\$ (314,637)</u>	<u>\$ 1,347,860</u>
Budgetary Financing Sources:				
Appropriations received	-	8,460,000	-	8,971,527
Other adjustments (recissions, etc.)	-	(25,703)	-	(5,666)
Appropriations used	8,379,814	(8,379,814)	8,373,980	(8,373,980)
Other Financing Resources (Non-Exchange):				
Imputed financing from costs absorbed by others	-	-	-	-
Total Financing Sources	<u>8,379,814</u>	<u>54,483</u>	<u>8,373,980</u>	<u>591,881</u>
Net cost of operations	<u>8,383,710</u>	<u>-</u>	<u>8,271,321</u>	<u>-</u>
Ending Balances	<u>\$ (215,874)</u>	<u>\$ 1,994,224</u>	<u>\$ (211,978)</u>	<u>\$ 1,939,741</u>

The accompanying notes are an integral part of these statements.

UNITED STATES COMMISSION ON CIVIL RIGHTS
STATEMENTS OF BUDGETARY RESOURCES

	Year Ended September 30,	
	2008	2007
Budgetary Resources		
Unobligated balance, brought forward, October 1	\$ 771,948	\$ 775,314
Recoveries of prior year unpaid obligations	32,771	17,979
Budget authority		
Appropriations received	8,460,000	8,971,527
Collected	615	34,652
Subtotal	8,460,615	9,006,179
Permanently not available	(25,703)	(5,666)
Total Budgetary Resources	\$ 9,239,631	\$ 9,793,806
Status of Budgetary Resources		
Obligations incurred		
Direct, Category A (Note 9)	\$ 8,565,325	\$ 9,021,858
Unobligated Balances		
Apportioned	55,247	91,793
Unobligated balances-not available	619,059	680,155
Total Status of Budgetary Resources	\$ 674,306	\$ 771,948
Change in Obligated Balance		
Unpaid obligations, brought forward, net	2,012,337	1,406,471
Obligations incurred, net	8,565,325	9,021,858
Gross outlays	(8,309,527)	(8,398,013)
Recoveries of prior-year unpaid obligations, actual	(32,771)	(17,979)
Total Unpaid Obligated Balance, Net, End of Period (Note 10)	\$ 2,235,364	\$ 2,012,337
Net Outlays		
Gross outlays	8,309,527	8,398,013
Offsetting collections	(615)	(34,652)
Net Outlays	\$ 8,308,912	\$ 8,363,361

The accompanying notes are an integral part of these statements.

UNITED STATES COMMISSION ON CIVIL RIGHTS

NOTES TO FINANCIAL STATEMENTS

September 30, 2008 and 2007

NOTE 1 ORGANIZATION AND PURPOSE

Reporting entity

The statutory mandate of the U.S. Commission on Civil Rights (the Commission or Agency) is to:

- ♦ investigate allegations in writing under oath or affirmation relating to deprivations because of color, race, religion, sex, age, disability, or national origin; or as a result of any pattern or practice of fraud; or of the right of citizens of the United States to vote and have votes counted, 42 U.S.C. §1975a(1); and
- ♦ study and collect information, appraise the laws and policies of the federal government, serve as a national clearinghouse for information, and prepare public service announcements and advertising campaigns to discourage discrimination or denials of equal protection of the laws under the Constitution of the United States because of color, race, religion, sex, age, disability, or national origin, or in the administration of justice. 42 U.S.C. §1975a (2).

The Commission also issues a report annually to the President and Congress on monitoring federal civil rights enforcement and establishing state advisory committees in each of the 50 states and the District of Columbia.

Powers

In furtherance of its fact-finding duties, the Commission may hold hearings and issue subpoenas (within states in which hearings are being held and within a 100-mile radius of such sites) for the production of documents and the attendance of witnesses. The Commission also uses depositions and written interrogatories to collect information and testimony about matters subject to hearings or reports. In addition to these more formal measures, the Commission conducts public briefings on existing and emerging civil rights issues and produces briefings reports. The Commission maintains state advisory committees, and consults with representatives of federal, state and local governments, in addition to private organizations.

NOTE 1 ORGANIZATION AND PURPOSE (Continued)

Since the Commission lacks enforcement powers that would enable it to apply specific remedies in individual cases, its civil rights reports contain findings and recommendations for corrective action by federal and state agencies, and other civil rights stakeholders as deemed appropriate. The Commission also provides a complaint referral service that receives complaints from citizens and other sources and refers them to the appropriate federal, state, or local government agency or private organization for action.

Organization and structure of the Commission

The Office of the Staff Director is responsible for the day-to-day management of the Commission and for executing the policy direction established by the agency's eight appointed commissioners.

The Commission is comprised of two programmatic units, the Office of General Counsel and the Office of Civil Rights Evaluation and six regional offices. The activities of these regional offices are coordinated through the Regional Programs Coordination Unit. The chief of this unit reports directly to the staff director.

Administratively, the Office Management oversees the work of three divisions: Administrative Services and Clearinghouse (ASCD), Budget and Finance, and Human Resources. Included within ASCD are the Commission's procurement services, public civil rights library, copy/print shop, and information technology services.

Other Commission offices, which at present remain unstaffed, include:

- + Public Affairs Unit,
- + Congressional Affairs Unit, and
- + Equal Employment Opportunity Programs

NOTE 2**SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

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

Basis of presentation

The Commission's financial statements are prepared from the accounting records of the Commission in accordance with accounting principles generally accepted in the United States (GAAP), and the form and content for entity's financial statements specified by the Office of Management and Budget (OMB) in OMB Circular No. A-136, *Financial Reporting Requirements*, as revised. GAAP for Federal entities are standards prescribed by the Federal Accounting Standards Advisory Board (FASAB), which has been designated the official accounting standards-setting body for the federal government by the American Institute of Certified Public Accountants (AICPA).

OMB Circular No. A-136 requires agencies to prepare basic statements, which include a balance sheet, statement of net cost, statement of changes in net position and a statement of budgetary resources. The balance sheets present, as of September 30, 2008 and 2007, amounts of future economic benefits owned or managed by the Commission (assets), amounts owed by the Commission (liabilities), and amounts which comprise the difference (net position). The statements of net cost report the full cost of the program, both direct and indirect costs of the output, and the costs of identifiable supporting services provided by other segments within the Commission. The statement of budgetary resources reports the Commission's budgetary activity.

Basis of accounting

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

NOTE 2

SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(Continued)

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

Use of estimates

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

Fund balance with Treasury

The Commission maintains its available funds with the Department of the Treasury (Treasury). The fund balance with Treasury is available to pay current liabilities and finance authorized purchases. Cash receipts and disbursements are processed by Treasury and are reconciled with those of Treasury on a regular basis. Note 3, Fund Balance with Treasury, provides additional information.

Accounts receivable, net

Accounts receivable consist of the amounts owed to the Commission and the public as the result of the provision of goods and services. Intra-governmental accounts receivable arise generally from the provision of reimbursable work to other federal agencies and no allowance for uncollectible accounts is established as they are considered to be fully collectible. Accounts receivable also includes interest due to the Commission that is directly attributable to delinquent accounts receivable. They are presented net of an allowance for uncollectible accounts. The allowance for uncollectible accounts is determined based on past collection experience and an analysis of outstanding balances. Note 4, Accounts Receivable, provides additional information on accounts receivable.

NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES
(Continued)

General property and equipment

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

The PP&E is depreciated using the straight-line method over the estimated useful life of the asset. Normal maintenance and repair costs are expensed as incurred.

Statement of Federal Financial Accounting Standards (SFFAS) No. 10, *Accounting for Internal Use Software*, requires that the capitalization of internally-developed, contractor-developed and commercial off-the-shelf (COTS) software begin in the software development phase.

The estimated useful life for internal use software was determined to be five years for amortization purposes. SFFAS No. 10 also requires that amortization begin when the asset is placed in use. Costs below the threshold levels are expensed.

Liabilities

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

SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES
(Continued)*Liabilities (continued)*

Liabilities Covered by Budgetary Resources which represent available budgetary resources include: (1) new budget authority, (2) spending authority from offsetting collections, (3) recoveries of expired budget authority, (4) unobligated balances of budgetary resources at the beginning of the year, and (5) permanent indefinite appropriations or borrowing authority. Liabilities Not Covered by Budgetary Resources: Sometimes funding has not yet been made available through Congressional appropriations or current earnings. The major liabilities in this category include employee annual leave earned but not taken. Liabilities Covered by Budgetary Resources and Liabilities Not Covered by Budgetary Resources are combined on the balance sheet.

Accounts payable

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

Accrued payroll and benefits

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

Revenue and financing sources

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

NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES
(Continued)

Revenue and financing sources (continued)

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

Federal employee benefits

Most Commission employees participate in either the Civil Service Retirement System (CSRS) – a defined benefit plan, or the Federal Employees Retirement System (FERS) – a defined benefit and contribution plan. For employees covered under CSRS the Commission contributes a fixed percentage of pay. Most employees hired after December 31, 1983, are automatically covered by FERS. For employees covered under FERS the Commission contributes the employer’s matching share for Social Security and Medicare Insurance. A primary feature of FERS is that it offers a Thrift Savings Plan (TSP) into which the Commission automatically contributes one percent of employee pay and matches employee contributions up to an additional four percent of pay.

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

NOTE 3 FUND BALANCE WITH TREASURY

The Commission's fund balance with Treasury comes from appropriations. This fund balance with Treasury is a consolidated balance of five annual funds (980: FY 2004, FY 2005, FY 2006, FY 2007 and FY 2008). The annual fund for FY 2003 is cancelled and the remaining fund balance of \$25,703 was returned to Treasury during fiscal year 2008. The balance with the Treasury is as follows at September 30:

	2008	2007
A. Fund balance with Treasury		
Trust fund	\$ 2,909,670	\$ 2,784,285
B. Status of fund balance with Treasury		
1) Unobligated balance		
a. Available	\$ 55,247	\$ 91,793
b. Unavailable	619,059	680,155
2) Obligated balance not yet disbursed	2,235,364	2,012,337
Total	\$ 2,909,670	\$ 2,784,285

NOTE 4 ACCOUNTS RECEIVABLE

In FY 2008, the Commission established the receivable for a vendor overpayment. The Commission uses the direct write-off method for uncollectible receivables. Accounts receivable balance is as follows for the year ended September 30:

	2008	2007
Accounts receivable		
Other: Federal	\$ -	\$ -
Non-federal	5,516	-
Total	\$ 5,516	\$ -

NOTE 5 GENERAL PROPERTY, PLANT AND EQUIPMENT

Property and equipment consist of the following at September 30:

	2008	2007
Equipment	\$17,277	\$12,277
Software	64,840	64,840
	82,117	77,117
Less: Accumulated depreciation and amortization	(18,282)	(1,499)
Property and equipment, net	\$ 63,835	\$ 75,618

Depreciation expense for the years ended September 30, 2008 and 2007, was \$16,783 and \$1,499, respectively.

NOTE 6 LIABILITIES NOT COVERED BY BUDGETARY RESOURCES

Liabilities of the Commission are classified as obligations covered or not covered by budgetary resources. As of September 30, 2008 and 2007, liabilities covered by budgetary resources were \$915,446 and \$844,543, respectively, and liabilities not covered by budgetary resources were \$285,225 and \$287,597, respectively.

Liabilities covered by budgetary resources as of September 30, 2008 and 2007, are comprised of accounts payable \$576,217 and \$647,528, respectively, and accrued funded payroll and leave \$339,229 and \$197,015, respectively.

	2008	2007
With the public other (unfunded leave liability)	\$ 285,225	\$ 287,597
Total liabilities not covered by budgetary resources	285,225	287,597
Total liabilities covered by budgetary resources	<u>915,446</u>	<u>844,543</u>
Total liabilities	<u>\$ 1,200,671</u>	<u>\$ 1,132,140</u>

NOTE 7 OTHER LIABILITIES

Other liabilities with the public as of September 30, 2008 and 2007, consist of accrued funded payroll and leave of \$339,229 and \$197,015, respectively, and unfunded leave of \$285,225 and \$287,597, respectively.

	With the Public	Non-Current	Current	Total
2008	Other liabilities	<u>\$ 285,225</u>	<u>\$ 339,229</u>	<u>\$ 624,454</u>
2007	Other liabilities	<u>\$ 287,597</u>	<u>\$ 197,015</u>	<u>\$ 484,612</u>

NOTE 8 INTRA-GOVERNMENTAL COSTS AND EXCHANGE REVENUE

Intra-governmental costs and exchange revenue are comprised of the following for the years ended September 30:

	2008	2007
Program A		
Intra-governmental costs	\$ 2,161,641	\$ 2,107,689
Public costs	<u>6,222,069</u>	<u>6,163,632</u>
Total program A costs	<u>8,383,710</u>	<u>8,271,321</u>
Total program A earned revenue	<u>\$ 8,383,710</u>	<u>\$ 8,271,321</u>

NOTE 9 APPORTIONMENT CATEGORIES OF OBLIGATIONS INCURRED

All obligations for the Commission represent direct obligations incurred against amounts apportioned under category A on the latest Apportionment and Reapportionment Schedule.

	2008	2007
Category A	<u>\$ 8,565,325</u>	<u>\$ 9,021,858</u>

NOTE 10 UNDELIVERED ORDERS AT THE END OF THE PERIOD

The amount of Unpaid Obligated Balance, Net, End of Period is comprised of obligations relating to Undelivered Orders (goods and services contracted for but not yet received at the end of the year) and Accounts Payable (amounts owed at the end of the year for goods and services received).

Federal employee benefits

	<u>Undelivered Orders</u>	<u>Accounts Payable</u>	<u>Unpaid Obligated Balance, Net</u>
2008	\$ 1,319,918	\$ 915,446	\$ 2,235,364
2007	\$ 1,167,794	\$ 844,543	\$ 2,012,337

NOTE 11 Budgetary Resources

The Unobligated Balance includes \$55,247 and \$91,793 at September 30, 2008 and 2007, respectively, which are restricted for future use and are not apportioned for current use.

NOTE 12 OPERATING LEASES

The Commission has various leases for offices and branches throughout the United States. The longest of those obligations extends through 2017. Certain of the leases contain renewal options and escalation clauses. No leases include restrictions on the Commission's activities. Rent expense consolidated of the following at September 30:

	<u>2008</u>	<u>2007</u>
Basic expense	\$ 1,197,726	1,257,953

Future minimum rental payments at September 30, 2008, under agreements classified as operating leases with non-cancelable terms in excess of one year were as follows:

2009	\$ 1,153,043
2010	1,163,843
2011	1,157,657
2012	1,117,043
2013	323,258
Thereafter	<u>222,304</u>
Total	<u>\$ 5,137,148</u>

**NOTE 13 RECONCILIATION OF NET COST OF OPERATIONS
(PROPRIETARY) TO BUDGET**

As of September 30, 2008 and 2007, liabilities not covered by budgetary resources totaled \$285,225 and \$287,597, respectively, which represents accrued leave. The change in components requiring or generating resources in future periods show (\$2,371) and (\$27,040), respectively and this represents the increase in annual leave liability. The accrued funded payroll liability is covered by budgetary resources and is included in the net cost of operations, whereas the unfunded leave liability includes the expense related to future annual leave liability for which the budgetary resources will be provided in a subsequent period.

	<u>2008</u>	<u>2007</u>
Liabilities not covered by budgetary resources	\$ 285,225	\$ 287,597
Change in components requiring/generating resources	\$ (2,371)	\$ (27,040)

UNITED STATES COMMISSION ON CIVIL RIGHTS
RECONCILIATION OF NET COST OF OPERATIONS TO BUDGET

	Year Ended September 30,	
	2008	2007
Resources Used to Finance Activities		
Budgetary resources obligated		
Obligations Incurred	\$ 8,565,325	\$ 9,021,858
Less: Spending authority from offsetting collections and recoveries	33,387	52,631
Obligations net of offsetting collections and recoveries	8,531,938	8,969,227
Less : Offsetting receipts		
Total Resources Used to Finance Activities	8,531,938	8,969,227
 Resources Used to Finance Items Not Part of Net Cost of Operations		
Change in budgetary resources obligated for goods, services, and benefits		
Ordered but not yet provided	(152,124)	(595,248)
Resources that fund expenses recognized in prior periods	(10,516)	(77,117)
Other		
Total Resources Used to Finance Items Not Part of Net Cost	(162,640)	(672,365)
Total Resources Used to Finance the Net Cost of Operations	8,369,298	8,296,862
 Components of Net Cost of Operations That Will Not Require or Generate Resources in the Current Period		
Components requiring or generating resources in future periods		
Increase in annual leave liability	(2,371)	(27,040)
Total Components of Net Cost of Operations That Will Require or Generate Resources in Future Periods	(2,371)	(27,040)
 Components Not Requiring or Generating Resources		
Depreciation and amortization	16,783	1,499
Total Components of Net Cost of Operations That Will Not Require or Generate Resources	16,783	1,499
Total Components of Net Cost of Operations That Will Not Require or Generate Resources in the Current Period	14,412	(25,541)
Net Cost of Operations	\$ 8,383,710	\$ 8,271,321



Report of Independent Auditors

To the Chairman and the Staff Director
United States Commission on Civil Rights

We have audited the accompanying balance sheets of the United States Commission on Civil Rights (the Commission) as of September 30, 2008 and 2007, and the related statements of net cost, changes in net position and budgetary resources for the years then ended. These financial statements are the responsibility of the Commission's management. Our responsibility is to express an opinion on these financial statements based on our audits.

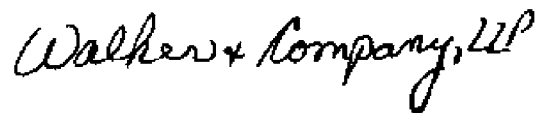
We conducted our audits in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and Office of Management and Budget (OMB) Bulletin No. 07-04, *Audit Requirements for Federal Financial Statements*, as amended. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Commission as of September 30, 2008 and 2007, and its net cost, changes in net position and budgetary resources for the years then ended in conformity with accounting principles generally accepted in the United States of America.

Our audits were conducted for the purpose of forming an opinion on the basic financial statements taken as a whole. The information in the Management's Discussion and Analysis and Required Supplementary Information sections are not a required part of the basic financial statements, but are supplementary information required by OMB Circular A-136, *Financial Reporting Requirements*. We have applied certain limited procedures to such information, which consisted principally of inquires of management regarding the methods of measurement and presentation of the supplementary information. We also reviewed such information for consistency with the related information presented in the Commission's financial statements. We did not audit this information however, and accordingly, express no opinion on it.

The other accompanying information on performance and accountability and appendices are presented for purposes of additional analysis and are not a required part of the financial statements. Such information has not been subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.

In accordance with *Government Auditing Standards* and OMB Bulletin 07-04, as amended, we have also issued our reports dated November 7, 2008, on our consideration of the Commission's internal control over financial reporting, and on our tests of the Commission's compliance with certain provisions of laws and regulations and other matters. The purpose of those reports is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. Those reports are an integral part of our audits performed in accordance with *Government Auditing Standards* and OMB Bulletin 07-04, as amended and should be considered in assessing the results of our audits.

A handwritten signature in black ink that reads "Walker & Company, LLP". The signature is written in a cursive, flowing style.

November 7, 2008



Report of Independent Auditors on Internal Control

To the Chairman and the Staff Director
United States Commission on Civil Rights

We have audited the financial statements of the United States Commission on Civil Rights (the Commission) as of and for the years ended September 30, 2008 and 2007, and have issued our report thereon dated November 7, 2008. We conducted our audits in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States; and the Office of Management and Budget (OMB) Bulletin No. 07-04, *Audit Requirements for Federal Financial Statements*, as amended.

In planning and performing our audits, we considered the Commission's internal control over financial reporting by obtaining an understanding of the design effectiveness of the Commission's internal controls; determined whether internal controls had been placed in operation; assessed control risk; and performed tests of controls in order to determine our auditing procedures for the purpose of expressing an opinion on the financial statements. We limited our internal control testing to those controls necessary to achieve the objectives described in OMB Bulletin No. 07-04, as amended. We did not test all internal controls relevant to operating objectives as broadly defined by the *Federal Managers Financial Integrity Act of 1982 (FMFIA)*, such as those controls relevant to ensuring efficient operations. The objective of our audits was not to provide assurance on internal control. Consequently, we do not provide an opinion on internal control.

Our consideration of internal control over financial reporting would not necessarily disclose all matters in the internal control over financial reporting that might be significant deficiencies. Under standards issued by the American Institute of Certified Public Accountants (AICPA) and OMB, a *control deficiency* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A *significant deficiency* is a control deficiency, or combination of control deficiencies, that adversely affects the organization's ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles, such that there is more than a remote likelihood that a misstatement of the organization's financial statements that is more than inconsequential will not be prevented or detected by the organization's internal control.

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the organization's internal control. We did not identify any deficiencies in internal control over financial reporting that we consider material weaknesses, as defined above.

We noted a certain matter that we reported to management of the Commission in a separate letter dated November 7, 2008.

This report is intended for the information and use of the Commission's management, the OMB, the Government Accountability Office, and the U.S. Congress, and is not intended to be and should not be used by anyone other than these specified parties.

Walker & Company, LLP

November 7, 2008



Report of Independent Auditors on Compliance with Laws and Regulations

To the Chairman and the Staff Director
United States Commission on Civil Rights

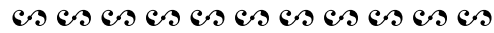
We have audited the financial statements of the United States Commission on Civil Rights (the Commission) as of and for the year ended September 30, 2008, and have issued our report thereon dated November 7, 2008. We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States; and the Office of Management and Budget (OMB) Bulletin No. 07-04, *Audit Requirements for Federal Financial Statements*, as amended.

The management of the Commission is responsible for complying with laws and regulations applicable to the Commission. As part of obtaining reasonable assurance about whether the Commission's financial statements are free of material misstatements, we performed tests of its compliance with certain provisions of laws and regulations, noncompliance with which could have a direct and material effect on the determination of financial statement amounts, and certain other laws and regulations specified in OMB Bulletin No. 07-04, as amended, including requirements referred to in the Federal Financial Management Improvement Act (FFMIA) of 1996. We limited our tests of compliance to these provisions, and we did not test compliance with all laws and regulations applicable to the Commission. Providing an opinion on compliance with laws, regulations, contracts, and grants agreements was not an objective of our audit and, accordingly, we do not express such an opinion.

Under OMB Bulletin No. 07-04, as amended, and FFMIA, we are required to report whether the Commission's financial management systems substantially comply with: (1) federal financial management systems requirements, (2) applicable federal accounting standards, and (3) the United States Government Standard Ledger at the transaction level. To meet this requirement, we performed tests of compliance with FFMIA Section 803(a) requirements.

Under FFMIA, we are required to report whether the Commission's financial management systems substantially comply with the federal financial management systems requirements, applicable federal accounting standards, and the United States Government Standard General Ledger (USSGL) at the transaction level. To meet this requirement we performed tests of compliance with FFMIA section 803(a) requirements.

The results of our tests disclosed that the Commission did not fully comply with the FFMIA, which is required to be reported under *Government Auditing Standards* or OMB Bulletin No. 07-04, as amended. The results of our tests disclosed two instances of noncompliance with laws and regulations.



A. The Commission Does Not Fully Comply with the Federal Information Security Management Act (FISMA)

In fiscal 2005 the Commission prepared a FISMA report and identified twelve significant non-compliance issues with FISMA requirements.

In May of 2006, the Commission hired an Information Technology (IT) Specialist who resolved four of the twelve issues previously identified and, as of September 30, 2007, corrected six of the eight remaining deficiencies reported to OMB. The Commission's IT Specialist, working with a contractor, has implemented a timetable for correcting the two remaining deficiencies. The Commission continues to comply with its FISMA obligations by conducting the required assessments and implementing corrective action plans. The Commission has created a timetable for compliance that would effect systematic implementation of its corrective action plan through fiscal 2009.

We are reporting this deficiency as required by the guidance issued by the Office of Management and Budget. However, because this deficiency is being addressed, we are not making any recommendations in this report.

B. The Commission Did Not Fully Comply with the Prompt Payment Act

Condition:

Based on our sample of forty-five disbursements selected for testing, we noted one test item where the Commission did not pay a vendor by the contractual due date. Failure to pay within the statutory time frame resulted in interest payments. It was also noted that the Commission paid a total of \$312 in interest to vendors because of late payments.

Criteria:

The Prompt Payment Act (the Act) requires that United States government agencies remit payment to vendors consistent with contractual terms or if no date was established, within thirty days after receipt of a proper invoice.

B. The Commission Did Not Fully Comply with the Prompt Payment Act (Continued)

Cause:

Management asserts that the vendor, in this instance, submitted an invoice that was considered improper and that the Commission staff sought to resolve the

matter directly with the vendor. While these discussions were still underway, the Commission submitted the invoice to General Services Administration (GSA) to initiate payment processing, though it was not paid. Upon resolution of the matter with the vendor, a new invoice was submitted without a change to the invoice date. Consequently, based on the date of the invoice, interest payment was triggered.

Effect:

The Commission paid interest on an invoice that was not paid in accordance with the Act.

Recommendation:

We recommend that the Commission follow established procedures concerning the handling of an improper invoice by returning the invoice to the vendor within seven calendar days after receipt as stated in the Agency's *Procurement and Acquisition Guide*. We further recommend strict adherence to existing Commission's policies requiring date stamping and otherwise tracking and documenting the receipt of the invoice.



This report is intended for the information and use of the Commission's management, the OMB, the Government Accountability Office, and the U.S. Congress, and is not intended to be and should not be used by anyone other than these specified parties.

Walker + Company, LLP

November 7, 2008

C. Required Supplemental Information

Intra-governmental Balances by Trading Partner:

Intra-governmental Assets by Trading Partner:

Trading Partner	Fund Balance with Treasury	Accounts Receivable	Other Assets
Library of Congress (03)	\$ -	\$ -	\$
Government Printing Office (04)	-	-	
General Accounting Office (05)	-	-	
U.S. Capital Police (09)	-	-	
U.S. Postal Service (18)	-	-	
Department of State (19)	-	-	
Department of Treasury (20)	2,915,186	-	
Office of Personnel Management (24)	-	-	
General Services Administration (47)	-	-	
National Science Foundation (49)	-	-	
Department of Transportation (69)	-	-	
Treasury General Fund (99)	-	-	
Other Material Agency (Please List)	-	-	
Others - Immaterial Agencies (Please List)	-	-	
Total Intra-governmental Assets	\$ 2,915,186		

Intra-governmental Liabilities by Trading Partner:

Trading Partner	Accounts Payable	Other Liabilities
Library of Congress (03)	\$ -	\$ -
Government Printing Office (04)	-	-
General Accounting Office (05)	-	-
U.S. Capital Police (09)	-	-
U.S. Postal Service (18)	-	-
Department of State (19)	-	-
Department of Treasury (20)	-	-
Office of Personnel Management (24)	-	6,955
General Services Administration (47)	-	-
Department of Transportation (69)	-	-
Other Material Agency (Please List)	-	-
Others - Immaterial Agencies (Please List)	-	-
Total	\$ -	\$ 6,955
Total Intra-governmental Liabilities	\$ 6,955	

Appendices

Appendix A: Strategic Plan Goals, Objectives and Measures

Summary of the Commission's Mission and Goals Mission Statement

To inform the development of national civil rights policy and enhance enforcement of Federal civil rights laws by investigating allegations of widespread deprivations of voting rights or allegations of pervasive discrimination on the basis of race, color, religion, sex, age, disability or national origin, or in the administration of justice; and through quality research, objective findings and sound recommendations.

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

Objectives:	Performance Measures:
1. Reinvigorate the Commission's state advisory committees (SACs).	<p>1(a). Increase the number of SACs re-chartered annually.</p> <p>1(b). Eliminate the backlog of SACs with charters that expire on or before January 30, 2007 by FY 2011.</p> <p>1(c). Recharter SACs with charters expiring after January 30, 2007 within 60 days of charter expiration.</p>
2. Energize the Commission's SACs by enhancing their institutional role in program planning and increasing their productivity.	<p>2(a). Obtain input from SACs as a part of the program planning cycle annually by October 31st.</p> <p>2(b). Conduct a joint national office and SAC project every two years (i.e., biennially) and issue a report within 12 to 18 months following initiation of each project.</p> <p>2(c). Solicit SAC ideas for SAC follow-up activities on Commission (national office) projects at the regional, state, and local levels annually during October.</p>
3. Commission a multi-state report, requesting the Commission's individual SACs to identify civil rights priorities facing their states/regions.	3. Complete the multi-state report by FY 2009.
4. Convene a national conference in FY 2009 to elicit diverse, multidisciplinary and bipartisan perspectives on civil rights in the 21 st century.	<p>4(a). Attract at least 100 civil rights practitioners, experts and others to the conference.</p> <p>4(b). Issue a report based on the findings of the conference entitled "Civil Rights Priorities for the 21st Century" during FY 2010.</p> <p>4(c). Identify 6 civil rights issues and research topics appropriate for incorporation into the Commission's programmatic planning cycles for FY 2010 through FY 2012.</p> <p>4(d). Identify civil rights issues and research topics that could lay the foundation for updating the Commission's Strategic Plan in 2011.</p> <p>4(e). Identify areas where the Commission's powers and mission need to be expanded to respond to emerging challenges and publish these areas by FY 2011.</p>

Strategic Goal 2: Expand the capacity of federal agencies to raise public awareness of civil rights and efficiently and effectively execute their civil rights enforcement responsibilities by engaging in strategic partnerships.

Objectives:	Performance Measures:
1. Study the role and effectiveness of the different federal enforcement agencies and make recommendations as to how those agencies might enhance their effectiveness.	1. Produce one report per fiscal year that addresses how particular civil rights agencies might enhance their effectiveness, including conducting exit or follow-up activities with agencies.
2. Partner with other federal civil rights agencies to raise public awareness of civil rights laws, remedies, and enforcement agencies.	2. Implement Memoranda of Understanding (MOUs) with one or more federal agencies.
3. Partner with other civil rights agencies to collect and analyze data on various civil rights topics.	3. Collect data from other agencies on complaint types to identify discrimination issues and/or trends (e.g., information on types of complaints nationally, geographic areas experiencing increases in types of complaints or number of complaints over time) to identify for agencies, policy-makers, and the public areas requiring concentrated enforcement efforts.
4. Partner with other civil rights agencies in studying the effectiveness of current civil rights laws, in developing reasonable interpretations of unclear laws, and in making recommendations for updates or changes to current law.	<p>4(a). Participate in at least one major civil rights working group established in the executive branch.</p> <p>4(b). Issue guidance to the executive branch on civil rights enforcement efforts.</p> <p>4(c). Cooperate and coordinate with civil rights enforcement agencies during times of national emergencies, such as significant natural disasters and homeland security emergencies, to support the continuity of civil rights protections and enforcement.</p> <p>4(d). Participate in inter-agency working groups responsible for developing and proposing civil rights policy as substantive experts.</p> <p>4(e). Establish congressional contacts that provide substantive insight and direction on proposed civil rights legislative agenda items.</p>
5. Promote public awareness of current civil rights laws, remedies and enforcement agencies.	<p>5(a). Host 5 public briefings or hearings annually on civil rights issues.</p> <p>5(b). Issue 10 press releases annually related to civil rights issues and Commission activities.</p> <p>5(c). Hold one press conference annually announcing the issuance of the Commission's statutory report or other significant Commission publication or activity.</p> <p>5(d). Post all Commission meeting and briefing transcripts, and approved reports, on the USCCR website.</p> <p>5(e). Provide assistance to members of the public who seek advice and information about protecting their civil rights by offering a complaint referral service.</p> <p>5(f). Increase Commission participation in public policy symposia and venues in which the Commission shares its views concerning civil rights policies.</p>

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

Objectives:	Performance Measures:
1. Strengthen the quality and objectivity of the Commission's reports.	1(a). Written work products issued by the Commission meet rigorous standards for accuracy, objectivity, transparency, and accountability. 1(b). Implement adopted GAO findings and recommendations consistent with any Commissioner-approved timeline.
2. Collect and analyze existing data on disparities among racial and ethnic groups, between the sexes, between the disabled and those who are not disabled, and among other protected classes.	2. Issue report(s) and conduct follow-up research where necessary.
3. Issue reports that assess the credibility of claims of systemic or pervasive discrimination and, where discrimination is found to be present, illuminate the causes of such discrimination, and make recommendations for policy changes to address the problem.	3. Issue report(s) and conduct follow-up research where necessary.
4. Conduct original social scientific research that brings new or unique information to the civil rights policy debate.	4. Incorporate original social scientific research into Commission reports.

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

Objectives:	Performance Measures:
1. Adhere to integrated budgeting, planning, and performance management.	1(a). Fully comply with OMB A-11 guidance for integrated budget by FY 2010. 1(b). Receive an OMB PART Program Management assessment score of at least "moderately effective" by FY 2010.
2. Achieve sound financial management, demonstrate financial accountability, and streamline and/or reorganize the Commission's structure to efficiently execute its mission and make efficient use of its appropriations	2(a). Maintain a "clean" or unqualified financial audit status each fiscal year beginning in FY 2008. 2(b). Full compliance with laws and regulations respecting the stewardship of tax dollars. 2(c). Complete an evaluation of the Commission's organizational structure and operations by FY 2009 to identify and implement changes necessary to support increased effectiveness and improved efficiency in light of existing fiscal and human capital resources. 2(d). Conduct an assessment during FY 2008 of the effectiveness and efficiency of the Commission's current administrative structure and, based on the results, develop during FY 2009 a plan of action for achieving increased agency effectiveness and efficiency. 2(e). Execution of workforce planning and human capital accountability systems by FY 2008.
3. Continued implementation of adopted GAO and OPM recommendations.	3. Implement adopted GAO and OPM audit findings and recommendations that address financial and operational procedures.
4. Modernize information technology infrastructure and improve IT management to enhance program efficiency.	4. Establish Web site similar to Firstgov.com. by FY 2012.

Appendix B: Performance Charts and Tables

Updated FISMA Corrective Action Plan FY 2008

	First Target Date	Second Target Date	Third Target Date	Fourth Target Date	Current Status
Develop IT Coop Plan	FY06	FY07	FY08	FY 09	Pending
Create Written Authorization to Operate System on Interim Basis	FY06	FY08	FY08	FY 09	Pending
Maintain Written Records of Disposal Actions	FY06	FY09	N/A	N/A	Implemented (FY07)
Install Intrusion Protection System	FY06	FY07	N/A	N/A	Implemented
Use Digital Signature	FY06	FY09	N/A	N/A	Implemented (FY07)

FMFIA and OMB A-123 Corrective Action Plan FY 2008

	First Target Date	Second Target Date	Third Target Date	Current Status
Provide Managers Training on Creating Office/ Division Annual Plans that are Linked to Agency Strategic and Annual Plans	FY08	FY 09	N/A	Pending
Complete Human Capital Assessment and Accountability Plan	FY08 ³²	FY09	N/A	Pending
Complete Records Management Schedule	FY08	FY09	N/A	Pending
Identify and Update Outdated Office/Division Policies	FY 08	FY 09	N/A	Ongoing
Complete National Office COOP Plan	FY 07	FY 08	FY 09	Pending

³² This is the first target date related to an FMFIA assessment.

Updated Status of Briefings and Reports

	Briefing Conducted	Briefing Report Approved	Target Report Approval Date
An Assessment of the Effectiveness of Historically Black Colleges and Universities (FY06 Project)	Yes	Pending	1st Target Date FY07; 2nd Target Date FY08; 3rd Target Date FY09
Racial Categorization in the 2010 Census (aka Representation of Minorities in the Census) (FY06 Project)	Yes	Yes	1st Target Date FY07; 2nd Target Date FY08
Racially Identifiable School Districts in Omaha (FY06 Project)	Yes	No (only as executive summary)	1st Target Date FY07; 2nd Target Date FY08
Minority Children in State Foster Care (FY07 Project)	Yes	Pending	1st Target Date FY 07; 2nd Target Date FY08; 3rd Target Date FY09
School Choice and Anti-Catholic Blaine Amendments (FY07 Project)	Yes	Pending	1st Target Date FY08; 2nd Target Date FY09
Voting Rights in the Territories (FY07 Project)	No	No	Removed from the FY07 Schedule; Rescheduled for FY08; Removed from the Schedule
Religious Discrimination in the Workplace (FY07 Project)	No	No	Removed from the Schedule; Rescheduled for FY08; Removed from the Schedule
Minority Students in Special Education (FY07 Project)	Yes	Pending	1st Target Date FY08; 2nd Target Date FY09
Domestic Wiretapping (FY07 Project)	Yes	Pending	1st Target Date FY08; 2nd Target Date FY09
Title IX Athletics (FY07 Project)	Yes	Pending	1st Target Date FY08; 2nd Target Date FY09
Voter Fraud and Voter Intimidation (FY07 Project)	Yes	Yes	1st Target Date FY07; 2nd Target Date FY08
Supplemental Education Services Under NCLB	Yes	Pending	1st Target Date FY08; 2nd Target Date FY09
Enforcing Religious Freedom in Prisons (aka Religious Discrimination and Prisoners' Rights)	Yes	Yes	1st Target Date FY08
Department of Justice 2008 Presidential Election Monitoring	Yes	Pending	1st Target Date FY 2009
Minority Students in Science, Technology, Engineering, and Math (STEM)	Yes	Pending	1st Target Date FY09

Appendix C: Fluctuation Analysis for Significant Differences

UNITED STATES COMMISSION ON CIVIL RIGHTS FLUCTUATION ANALYSIS FOR SIGNIFICANT DIFFERENCES

STATEMENT	Difference from FY 2007 to FY 2008	Explanation for Significant Increase or Decrease
BALANCE SHEET		
Federal Accounts Payable	(20,536)	A result of better processing of invoices.
Other	139,842	Higher accrual due to intermittent employees claiming more hours at the end of the fiscal year.
STATEMENT OF NET COST		
There are no significant variances this quarter.		
STATEMENT OF BUDGETARY RESOURCES		
Recoveries of PY Unpaid Obligations	14,792	A result of a more thorough review of obligations at the end of the fiscal year.
Spending authority from Offsetting collections - Collected	(34,036)	A result of reviewing invoices before being paid and catching the discrepancies.
Unpaid Obligations, Brought Forward, Oct. 1	605,866	A result of processing invoices more efficiently.
Recoveries of PY Unpaid Obligations	14,792	A result of a more thorough review of obligations at the end of the fiscal year.
Offsetting Collections	(34,036)	A result of reviewing invoices before being paid and catching the discrepancies.

Appendix D: Management Audit Response



UNITED STATES COMMISSION ON CIVIL RIGHTS

624 NINTH STREET, NW, WASHINGTON, DC 20425

www.usccr.gov

November 15, 2008

Mr. Mozart C. Bernard
Walker & Company, LLP
4200 Wisconsin Avenue, NW
Suite 300
Washington, DC 20016

RE: FY 2008 Audit Findings and Recommendations

Dear Mr. Bernard:

I have received and reviewed the independent audit report recently completed by your firm for the U.S. Commission on Civil Rights ("the Commission"). The Commission continues to maintain and improve upon the great progress we have made in our financial management as evidenced by three consecutive clean financial audits. This year's clean audit is further proof of our commitment to sound financial management practices. As noted in your audit report, our financial statements fairly present the financial position of the Commission as of September 30, 2008 and 2007 and conform to accounting principles generally accepted in the United States of America. Furthermore, we have no material weaknesses in internal control over financial reporting.

I do note your finding that the Commission, in two instances, failed to comply with laws and regulations. More specifically, that the Commission:

- failed to comply with the Federal Information Security Management Act (FISMA) based on two outstanding FISMA deficiencies that are currently scheduled for full remediation during FY 2009, and
- failed to promptly pay a single vendor in violation of the Prompt Payment Act as a result of not formally returning an improper invoice and not documenting the date the revised invoice was received from the vendor for payment.

Each instance of noncompliance is already the subject of remediation within the Commission. We are addressing the two FISMA deficiencies, the absence of an information technology (IT) continuity of operations (COOP) plan and the absence of written policies for operating IT systems on an interim basis, in accordance with our previously adopted timetable for correcting FISMA issues. We anticipated resolving both

matters during FY 2008, a year earlier than actually called for under our corrective action plan. In the absence of reaching this ambitious goal, we are now on target for resolving both deficiencies this fiscal year as originally projected. This is possible because, during FY 2008, we completed a draft IT COOP and a draft policy for interim IT systems operation. Both are currently pending review and approval.

To avoid payment delays resulting from informal and undocumented requests for clarification of improper invoices, the director of management will provide refresher training to agency budget and procurement staff on the correct method for rejecting an improper invoice. We will base this training on existing agency policies and procedures as established by our *Procurement and Acquisition Guide* (2006).

Thank you for your work, including your thoughtful findings and recommendations. We believe that our proposed corrective measures appropriately address both.

Sincerely,


MARTIN DANNENFELSER
Staff Director



Serving as the Conscience of the
Nation on Civil Rights Since 1957