

**UNITED STATES
COMMISSION ON CIVIL RIGHTS**



**PERFORMANCE AND ACCOUNTABILITY REPORT (PAR)
FOR FISCAL YEAR 2019**

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MESSAGE FROM THE CHAIR



I attach the annual Performance and Accountability Report (PAR) for the U.S. Commission on Civil Rights for Fiscal Year 2019. This report reflects the agency's program and financial performance.

In FY 2019, the Commission held three briefings to assess the national state of critical civil rights issues: *Are Rights a Reality? Evaluating Federal Civil Rights Enforcement*; *Women in Prison: Seeking Justice Behind Bars*; and *Federal #MeToo: Examining Sexual Harassment in Government Workplaces*. Also, the Commission held one public comment session on *Immigration Detention Centers & Treatment of Immigrants*.

The Commission published the following four reports: *Police Use of Force: An Examination of Modern Policing Practices*; *Broken Promises: Continuing Federal Funding Shortfall for Native Americans*; *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities*; and *Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities*.

The Commission was pleased to fulfill our statutory charge not just through publication of our comprehensive reports, but also through direct engagement with Members of Congress. I testified before the House Committee on the Judiciary's Subcommittee on the Constitution, Civil Rights, and Civil Liberties at its April 2019 hearing on the History and

Enforcement of the Voting Rights Act of 1965. I also spoke alongside Commissioner Karen Narasaki at a Congressional policy briefing Congressman Derek Kilmer convened to discuss the Commission's report, *Broken Promises*. Additionally, I represented the Commission at a briefing led by the House Committee on the Judiciary to discuss the Commission's work, including recent and upcoming investigations and reports.

In Fiscal Year 2019, the Commission also saw several Members introduce legislation and appropriations language that reflected the recommendations of the Commission in several of our reports. Senator Brian Schatz successfully introduced appropriations language that incorporated recommendations from the Commission stemming from our reports on targeted fines and fees as well as police use of force; and Senator Elizabeth Warren and Congresswoman Deb Haaland introduced legislation that mirrored the substance and recommendations of our report on Native American sovereignty and federal funding.

We continue to enhance our engagement with and rely on the work of our State Advisory Committees. Commission State Advisory Committee members, working with regional office staff, held 27 fact-finding events in FY 2019. In addition, State Advisory Committees published 20 reports, statements, and memoranda in FY 2019. The State Advisory Committees, through their fact-finding events and reports, covered a broad range of civil rights issues, including voting rights, criminal justice, hate crimes, disability rights, Native American civil rights, collateral consequences of criminal convictions, and payday lending. All four of the reports the Commission published this year relied in part on testimony to and the findings and recommendations from our Advisory Committees.

In addition to the strong programmatic output during FY 2019, the Commission received an unmodified opinion on the Commission Financial Statements. I look forward to continued effective financial and other management controls in operation at the Commission.

And, I look forward to building on the Commission's FY 2019 performance to continue to advance civil rights through effective and comprehensive investigation, research, and analysis on issues of fundamental concern to the federal government and the public.



Catherine E. Lhamon
Chair
United States Commission on Civil Rights
November 13, 2019

MANAGEMENT DISCUSSION AND ANALYSIS

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

Mission

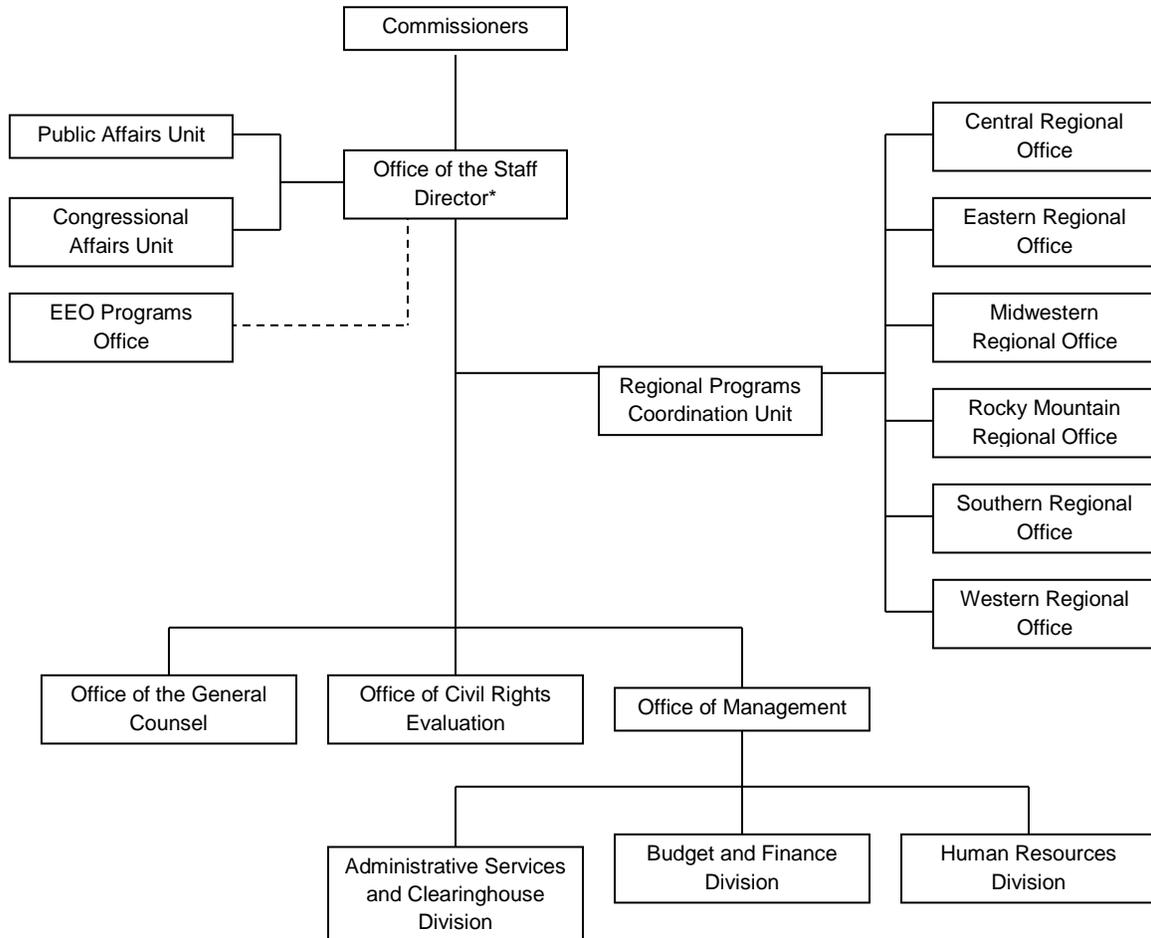
The mission of the United States Commission on Civil Rights is to inform the development of national civil rights policy and enhance enforcement of Federal civil rights laws. The Commission pursues this mission by investigating alleged deprivations of voting rights or allegations of discrimination based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

Organization

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

Organizational Structure

U.S. Commission on Civil Rights



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

Headquarters Organization

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

Commissioners

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

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

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

Office of the Staff Director

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

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

Office of the General Counsel

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

Office of Civil Rights Evaluation

The Office of Civil Rights Evaluation (OCRE) provides the subject matter and analytical expertise required to prepare evaluations of civil rights issues. This office monitors the activities of numerous federal agencies as well as national and regional civil rights trends. Based on information gathered through monitoring and other sources, this office develops concepts for, and conducts, civil rights studies and other projects, ultimately preparing

documents that articulate the Commission's view and concerns regarding federal civil rights. In addition to these functions, this office receives, reviews, and refers civil rights complaints to other agencies for appropriate enforcement action.

Office of Management

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

Congressional Affairs Unit

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

Public Affairs Unit

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

Equal Employment Opportunity Programs

All the staff positions in the Equal Employment Opportunity (EEO) Program Unit are vacant. The Commission uses staff in other offices to perform EEO functions, along with

contractual services and interagency agreements to satisfy its EEO responsibilities. When staffed, EEO is responsible for the overall management of our equal employment opportunity compliance system. This system provides a means of review and appeal for applicants for employment and employees of the Commission, who believe that they were victims of discrimination based on race, color, age, religion, national origin, sex (including sexual harassment), physical or mental disability, or reprisal in connection with EEO-related activities.

Regional Programs

Regional Programs Coordination Unit

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

Regional Activities: Organization and State Alignment

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

Presented below is our regional alignment.

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

Performance Highlights

The Commission, staff, and State Advisory Committee members have worked hard this year to achieve the goals, objectives, and performance measures set forth in our FY 2018 – FY 2022 Strategic Plan. Even with a 35-day government shutdown, the Commission achieved all the performance targets established for Fiscal Year 2019.

The Commission held three briefings and one public comment session to assess the national state of important civil rights laws:

- Are Rights a Reality? Evaluating Federal Civil Rights Enforcement;
- Women in Prison: Seeking Justice Behind Bars;
- Federal Me Too: Examining Sexual Harassment in Government Workplaces; and
- Immigration Detention Centers & Treatment of Immigrants.

The Commission published the following four reports:

- *Police Use of Force: An Examination of Modern Policing Practices;*
- *Broken Promises: Continuing Federal Funding Shortfall for Native Americans;*
- *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities;* and
- *Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities.*

The Commission's State Advisory Committees:

- Held 27 fact-finding events;
- Conducted 257 planning meetings; and
- Published 20 reports, memoranda, and statements.

A detailed discussion of each strategic goal, our FY 2019 target performance, and our actual performance are in the section titled "Performance Report."

Federal Managers' Financial Integrity Act (FMFIA)

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

and division heads to complete an annual self-assessment of internal controls as of June 30 each year.

In FY 2019, all offices and division heads completed a self-assessment. Regional and headquarters' offices did identify several immaterial weaknesses. The Commission is working on resolving these issues. Based on this evaluation, the Commission is able to provide a statement of assurance that the internal controls are compliant.

Financial Highlights

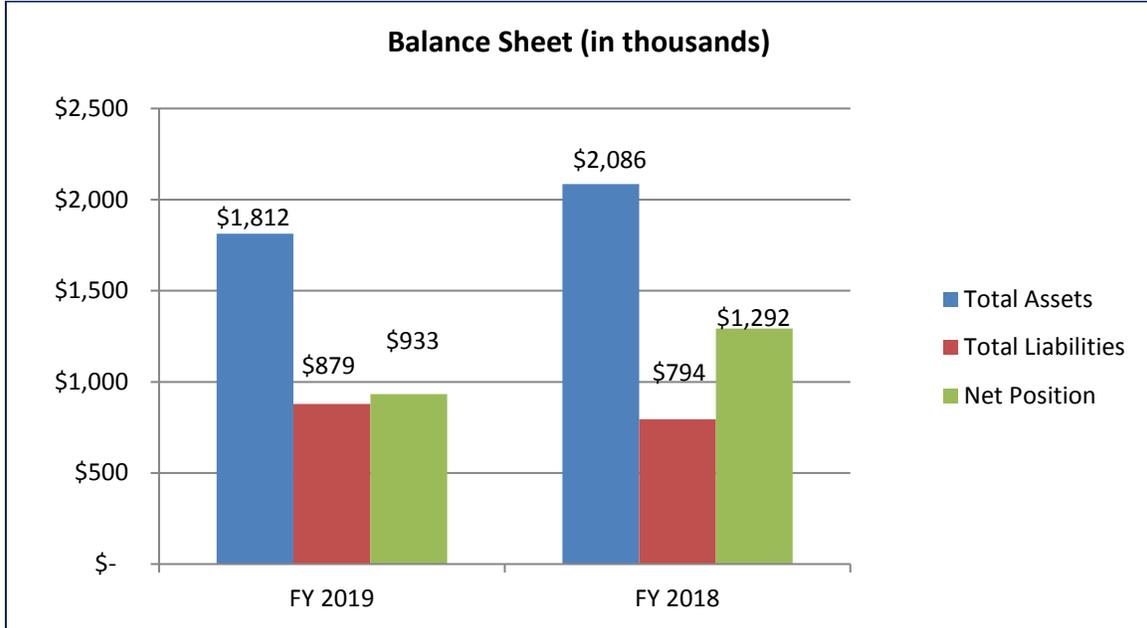
The Commission continues to use the U.S. Department of Agriculture's Office of the Chief Financial Officer Pegasys Financial Services (USDA OCFO) as its accounting shared services provider. USDA OCFO provides a broad range of financial and accounting services including:

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

The Commission's FY 2019 financial statements were prepared in accordance with Office of Management and Budget (OMB) Circular A-136. The Commission prepares four financial statements: Balance Sheet, Statement of Net Costs, Statement of Changes in Net Position, and Statement of Budgetary Resources.

Balance Sheet

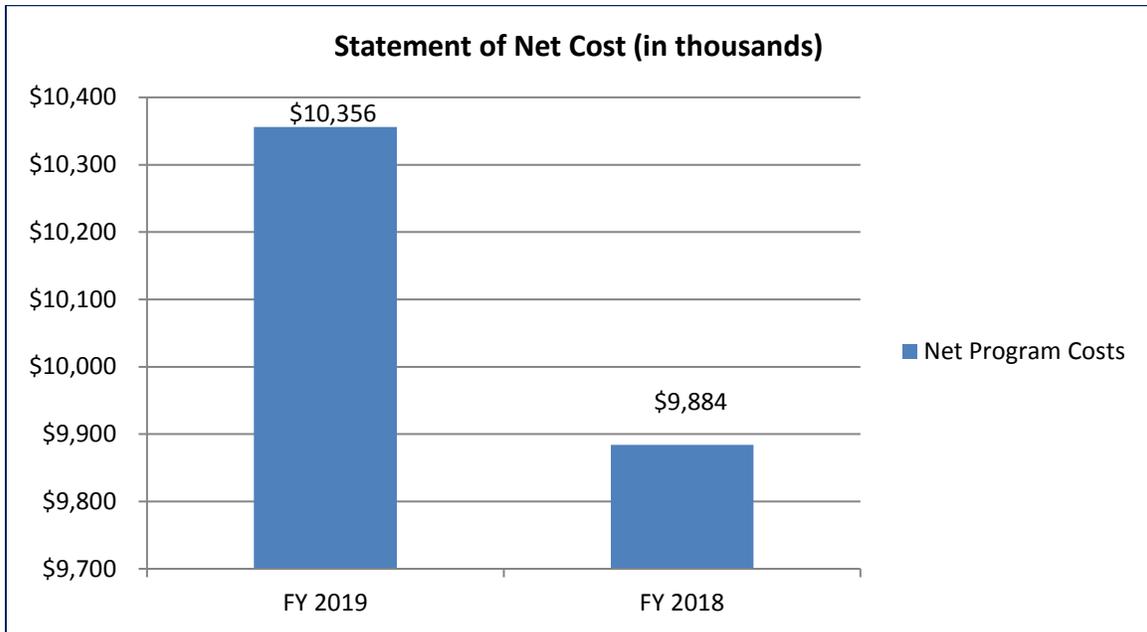
The balance sheet presents amounts of future economic benefits owned or managed by the reporting entity (assets), amounts owed by the entity (liabilities), and amounts which comprise the difference (net position).



The Commission's total assets decreased from \$2,086,359 in FY 2018 to \$1,811,848 in FY 2019. The Commission's assets consist mainly of Fund Balance with Treasury (FBWT) with minimal amounts in General Property, Plant, and Equipment. Total liabilities increased from \$793,508 in FY 2018 to \$879,203 in FY 2019. Net Position decreased from \$1,292,851 in FY 2018 to \$932,644 in FY 2019.

Statement of Net Costs

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

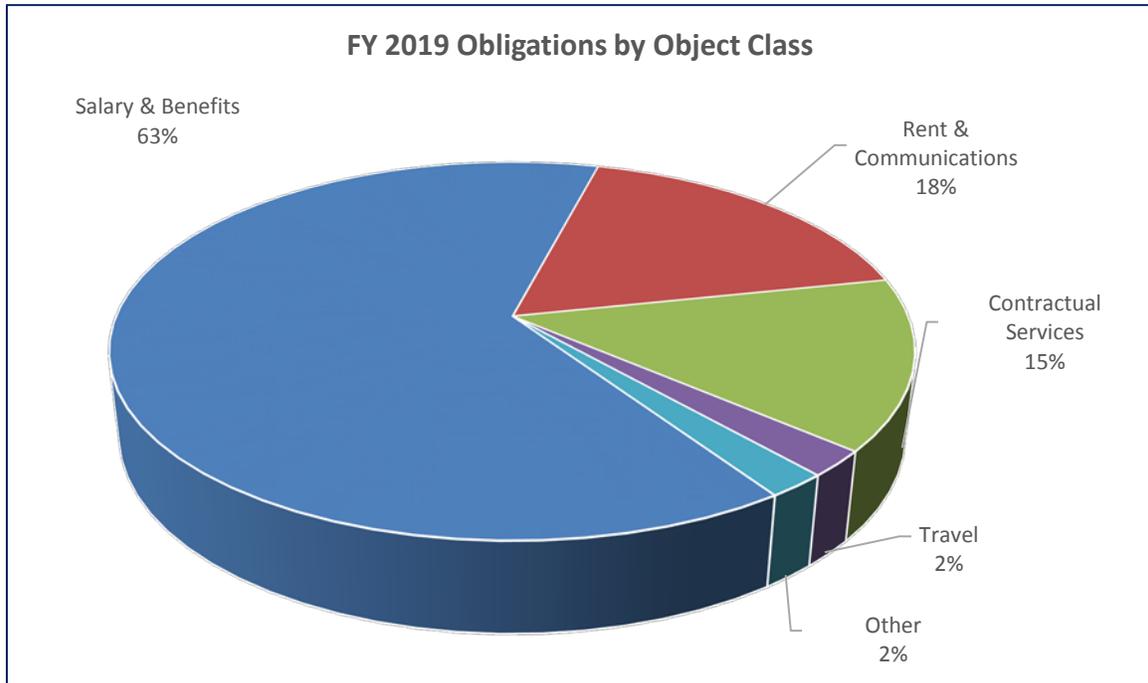


The Commission's net cost of operation increased from \$9,884,390 in FY 2018 to \$10,356,173 FY 2019.

Statement of Budgetary Resources

The Statement of Budgetary Resources provides information on the sources of budgetary resources and their status at the end of the period. The Commission received \$10,065,000 in new budgetary authority in FY 2019. The Total Budgetary Resources and Status of Budget Resources increased from \$10,721,544 in FY 2018 to \$10,802,551 in FY 2019.

Resources by Major Object Class



During FY 2019, the Commission obligated \$9,945,202.15 of its FY 2019 appropriation of \$10,065,000. Salary and Benefits, Other Contractual Services, and Rent and Communications consume 96 percent of the Commission's obligations. The remaining 4 percent consists of travel, printing, supplies, equipment, and other miscellaneous items.

Limitations on Financial Statements

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

Management Statement of Assurance

The U.S. Commission on Civil Rights is responsible for establishing and maintaining effective internal control and financial management systems that meet the objectives of the Federal Managers' Financial Integrity Act (FMFIA). The Commission can provide reasonable assurance that its internal controls over financial reporting as of September 30, 2019 were operating effectively in the design or operation of the internal control over financial reporting.

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

The management of the U.S. Commission on Civil Rights is responsible for establishing and maintaining effective internal control and financial management systems that meet the objectives of the Federal Managers' Financial Integrity Act (FMFIA). The Commission conducted its assessment of the effectiveness of internal control and efficiency of operations and compliance with applicable laws and regulations in accordance with OMB Circular A-123, Management's Responsibility for Internal Control. Based on the results of this evaluation, the Commission can provide reasonable assurance that our internal control over the effectiveness and efficiency of operations, and compliance with applicable laws and regulations as of September 30, 2019, were operating effectively and no material weaknesses were found in the design or operation of the internal controls.

In addition, the Commission conducted its assessment of the effectiveness of internal control over financial reporting. This includes safeguarding of assets and compliance with applicable laws and regulations. Based on the results of this evaluation, the Commission can provide reasonable assurance that its internal controls over financial reporting as of June 30, 2019.

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



Mauro Morales
Staff Director
United States Commission on Civil Rights
November 13, 2019

PERFORMANCE REPORT

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

Our FY 2019 annual performance plan includes performance goals and targets that support the accomplishment of our strategic objectives. Below, we describe our FY 2019 annual performance targets. We evaluate and report our performance using these categories: Met and Not Met.

Reliability of Performance Data

To ensure that the Commission's FY 2019 Performance Report is complete and reliable, the Commission identifies, verifies, and validates the sources of data used to assess performance measures. The Commission's staff verifies and validates that data to ensure that the information is accurate and complete. Agency senior leadership reviews the report for completeness and accuracy.

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

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

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

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

Strategy A.1.1 - The Commission will determine civil rights issues of national significance on which to conduct informative briefings and/or hearings.	FY 2019 Target	FY 2019 Results
A.1.1.1 - The Commission will develop proposals and investigative plans to conduct investigations into civil rights issues of national significance.	Two new projects	Met
A.1.1.2 - The Commission will hold at least two briefings and/or hearings each year.	Two briefings and/or hearings	Met

Performance Measure A.1.1.1

During FY 2019, the Commission developed proposals and investigative plans for investigations into civil rights issues of national significance. The Commission approved the following new projects:

Subminimum Wages for People with Disabilities

The Commission will undertake an examination of the payment of sub-minimum wages to people with disabilities under a special certificate program administered by the Department of Labor. The Commission will investigate the civil rights implications of paying people less than minimum wage based on their disability status and the oversight of this program by the Departments of Labor and Justice. Reports have indicated at least some of these employees earn extremely low wages, do not gain marketable skills, and are not assisted to transition to competitive employment. Some states have outlawed payment of wages below minimum wage and fully transitioned away from this model of employment services. The Department of Justice has found state systems supporting these programs may violate the Americans with Disabilities Act when they do not serve people with disabilities in the most integrated setting appropriate. The Commission unanimously selected this project.

The Federal Role in Calling for Bail Reform

This project will evaluate how money bail is used in states and local jurisdictions around the country: how the use of money bail impacts the fair administration of justice and whether jurisdictions operate in a manner that denies equal protection of the law to individuals on the basis of race or another protected class. The Commission will also examine the role of the private bail industry and how the involvement of the private sector exacerbates or mitigates these impacts. The project will also evaluate different reforms that have been enacted to address these systemic impacts, either by state legislation, citizen referendums, litigation settlements, or otherwise. In evaluating these reforms, the Commission will look at whether federal involvement has impacted the state

of money bail, and what the appropriate role of the federal government is to ensure the fair administration of justice.

Maternal Health Disparities

The United States has the worst rate of maternal death in the developed world. Current data suggests that black women in our nation experience unacceptably poor maternal health outcomes, including disproportionately high rates of death related to pregnancy or childbirth, when compared to non-black women. The Commission's investigation will analyze current data regarding pregnancy-related and pregnancy-associated deaths, including data collected by the Centers for Disease Control and Prevention, the National Institute of Minority Health and Health Disparities, and the Department of Health and Human Services' (HHS) State Partnership Initiative to Address Health Disparities. The Commission will also examine the current efforts of HHS offices regarding the prevention of disparities in maternal health outcomes, including the Office of Civil Rights, Administration for Children and Families, Center for Medicare and Medicaid Services, and the Office of Minority Health. The Commission's findings and recommendations will aim to inform work being carried out in the federal government to address racial disparities in maternal health outcomes.

FEMA's Natural Disaster Response

The Commission's investigation will evaluate the Federal Emergency Management Agency (FEMA)'s compliance with its mission to ensure all people receive help before, during, and after disasters. The Commission will also investigate FEMA's compliance with civil rights laws and policies; a particular focus will be the civil rights implications of FEMA's response to significant hurricane systems, including Hurricanes Harvey and María. The Commission will look specifically at FEMA's Office of Response and Recovery and Office of Equal Rights.

Performance Measure A.1.1.2

In FY 2019, we held three public briefings and one public comment session.

Are Rights a Reality? Evaluating Federal Civil Rights Enforcement

On November 2, 2018, the Commission held a public briefing in Washington, DC to evaluate federal civil rights enforcement. Broadly, the Commission delved into the question: is the federal government satisfying its obligation to the American people to protect and vindicate their civil rights across the justice system and other issue areas, such as education, employment, healthcare, housing, and immigration? The Commission

heard presentations from current and former federal officials, academic and legal experts, advocates, and diverse stakeholders. Members of the public also shared their views and experiences directly with the Commission.

Women in Prison: Seeking Justice Behind Bars

On February 22, 2019, the Commission held a public briefing in Washington, DC to evaluate the civil rights of women in prison including deprivations of women's medical needs that may violate the constitutional requirement to provide adequate medical care for all prisoners; implementation of the Prison Rape Elimination Act; and the sufficiency of programs to meet women's needs after release. The Commission also examined consequences of discipline practices in women's prisons and the impact on families when women are placed far from home or parental rights are terminated despite their caregiving role. Commissioners heard from state and federal corrections officials, women who have experienced incarceration, academic and legal experts, and advocates. Members of the public also shared their views and experiences directly with the Commission.

Federal Me Too: Examining Sexual Harassment in Government Workplaces

On May 9, 2019, the Commission held a public briefing in Washington, DC to examine the Equal Employment Opportunity Commission's (EEOC) enforcement efforts to combat workplace sexual harassment across the federal government, including the frequency of such claims and findings of harassment, the resources dedicated to preventing and redressing harassment, and the impact and efficacy of these enforcement efforts. The briefing also examined agency-level sexual harassment practices at the U.S. Department of State and the National Aeronautics and Space Administration (NASA). Commissioners heard from current and former government officials, academic and legal experts, advocates, and individuals who have experienced harassment. Members of the public also shared their views and experiences directly with the Commission.

Immigration Detention Centers & Treatment of Immigrants

On April 12, 2019, the Commission held a public comment session in Washington, DC to seek public comment on the changes in policy, procedures, treatment, and impact of the detention and separation of immigrant families detained at the southern border by the current Administration. The Commission's 2015 report, *With Liberty and Justice for All: The State of Civil Rights at Immigration Detention Facilities*, addressed the status of detained undocumented immigration children. In July 2018, the Commission voted to reopen the prior investigation on the conditions of immigration detention, and appointed a Subcommittee to examine the issue further.

Strategy A.1.2 - The Commission will keep the Advisory Committees engaged with the Commission’s investigative projects.	FY 2019 Target	FY 2019 Results
A.1.2.1 - The Commission will regularly inform the Advisory Committees of its own past and upcoming activities	Quarterly newsletter	Met
A.1.2.2 - The Commission will keep Advisory Committees apprised of investigative priorities so that Advisory Committees can determine whether there is any beneficial overlap or alignment in their agenda setting.	Include relevant SAC reports in Commission Reports	Met
A.1.2.3 - The Staff Director or Commissioners will attend (telephonically or in-person) Advisory Committee briefings or meetings in order to maintain the connection between headquarters and the Committees.	Three Meetings	Met

Performance Measure A.1.2.1

The Commission regularly informs Commission State Advisory Committees (SACs) of the Commission’s past and upcoming activities. The Commission issued four newsletters to SAC members, relaying messages from the Chair; describing the recent and upcoming activities of the Commission, including briefings, Speaker Series events, statements, and report releases; and detailing recent and upcoming activities of State Advisory Committees, including briefings and report releases. In addition, the Commission notifies SAC members when the Commission releases civil rights reports and holds briefings, inviting SAC members to participate.

Performance Measure A.1.2.2

The Commission keeps Commission State Advisory Committees (SACs) apprised of the Commission’s investigative priorities allowing SACs to decide whether to align their work with that of the Commission. The Commission used the collected and provided testimony, findings, and recommendations of SACs in each of its FY 2019 reports. The SACs that contributed to each report are listed below:

- *Police Use of Force: An Examination of Modern Policing Practices* - Minnesota, New York, Maine, and Delaware;
- *Broken Promises: Continuing Federal Funding Shortfall for Native Americans* - Alaska, Hawaii, Montana, New Mexico, and South Dakota;

- *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities* - Alabama, Arizona, Florida, Illinois, Kentucky, Louisiana, Maine, Ohio, Tennessee, and West Virginia; and
- *Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities* - Indiana, Maryland, and Oklahoma.

Performance Measure A.1.2.3

To maintain a connection between headquarters and the SACs, Commissioners and/or the Staff Director attended 17 State Advisory Committee meetings or briefings. Commissioners attended State Advisory Committee briefings in the Arizona, California, Colorado, District of Columbia, Illinois, Indiana, Kansas, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, and Washington.

At eight planning meetings, Chair Lhamon shared information with Advisory Committee members about the current and ongoing projects of the Commission.

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

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

Strategy A.2.1 - The Commission will continuously monitor the state of civil rights and issues of national significance, and use its expertise to report its policy recommendations.	FY 2019 Target	FY 2019 Results
A.2.1.1 - The Commission will issue reports, including its annual statutory enforcement report, to inform its stakeholders of policy recommendations.	Two reports	Met
A.2.1.2 - The Commission will issue statements and letters on current civil rights events and issues of concern.	Five statements and/or letters	Met

Performance Measure A.2.1.1

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

Police Use of Force: An Examination of Modern Policing Practices.

In this report, the Commission investigated rates of police use of force; whether rates and instantiations of that use of force violate civil rights of persons of color, persons with disabilities, LGBT communities, and low-income persons; promising or proven policies and practices worth replicating to minimize unnecessary use of force; and the perception and reality of discrimination in police use of force. The Commission considered evidence from law enforcement and court officials, community leaders and police reform advocates, scholars, legal experts, as well as testimony taken in by the Commission's State Advisory Committees in Minnesota, New York, Maine, and Delaware.

The Commission majority approved key findings including the following: While police officers have the difficult and admirable job of providing crucial services to the communities they protect and serve, their job sometimes puts them in harm's way and may require the use of force. Accordingly, police officers must operate with the highest standards of professionalism and accountability. Every community resident should be able to live, work, and travel confident in an expectation that interactions with police officers will be fair, consistent with constitutional norms, and guided by public safety free from bias or discrimination. Unfortunately, too many communities are not confident in these expectations, and so these communities have called for reforms to foster better community-police relations and prevent unjustified and excessive police uses of force.

Accurate and comprehensive data regarding police uses of force is generally not available to police departments or the American public. No comprehensive national database exists that captures police uses of force. The best available evidence reflects high rates of uses of force nationally, with increased likelihood of police use of force against people of color, people with disabilities, LGBT people, people with mental health concerns, people with low incomes, and those at the intersection of these communities. Lack of sufficient training—and funding for training—leaves officers and the public at risk. Repeated and highly publicized incidents of police use of force against persons of color and people with disabilities, combined with a lack of accurate data, lack of transparency about policies and practices in place governing use of force, and lack of accountability for noncompliance foster a perception that police use of force in communities of color and the disability community is unchecked, unlawful, and unsafe.

The Commission majority voted for key recommendations, including that the United States Department of Justice should return to vigorous enforcement of constitutional policing, including under its authority pursuant to 42 U.S.C. § 14141, and the use of consent decrees where necessary to ensure that constitutional policing standards are upheld. The Department of Justice should robustly support local efforts to develop and

institute constitutional policing practices, including through the Office of Community Oriented Policing Services (COPS) and maintaining the Community Relations Service (CRS) to focus on building community trust and reducing excessive or unauthorized uses of force, in coordination with police departments.

The Commission majority also called on Congress to fund grants, facilitated by the Department of Justice, to incentive evidence-based practices that, when employed, reduce incidents of excessive or unauthorized force. These practices may include increased training on de-escalation tactics and alternatives to use of force. Congress should also fund grants that support effective external police oversight and research regarding best practices for such oversight.

The Commission majority called for practical reforms to stem the tide of perceived conflict between police officers and their communities, and to recommit this nation to the principles of fairness and equal treatment, including at the hands of police, that are core to democracy. These recommendations for forward progress are measured, appropriate, and urgent; our nation's communities need their implementation.

The report is available at the following website:

<https://www.usccr.gov/pubs/2018/11-15-Police-Force.pdf>

Broken Promises: Continuing Federal Funding Shortfall for Native Americans.

In this report, the Commission updated a prior 2003 report, titled *A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country*, which evaluated budgets and spending of federal agencies that sponsor Native American programs, including the Departments of Health and Human Services, Interior, Housing and Urban Development, Justice, and Education. Despite some progress, the crisis the Commission found in 2003 remains, and the federal government continues to fail to support adequately the social and economic wellbeing of Native Americans. Due at least in part to the failure of the federal government adequately to address the wellbeing of Native Americans over the last two centuries, Native Americans continue to rank near the bottom of all Americans in health, education, and employment outcomes.

The Commission majority approved key findings including the following: Federal programs designed to support the social and economic wellbeing of Native Americans remain chronically underfunded and sometimes inefficiently structured, which leaves many basic needs in the Native American community unmet and contributes to the inequities observed in Native American communities. The federal government has also failed to keep accurate, consistent, and comprehensive records of federal spending on Native American programs, making monitoring of federal spending to meet its trust

responsibility difficult. Tribal nations are distinctive sovereigns that have a special government-to-government relationship with the United States. Unequal treatment of tribal governments and lack of full recognition of the sovereign status of tribal governments by state and federal governments, laws, and policies diminish tribal self-determination and negatively impact criminal justice, health, education, housing and economic outcomes for Native Americans.

The Commission majority voted for key recommendations, including the following: The United States expects all nations to live up to their treaty obligations; it should live up to its own. Congress should honor the federal government's trust obligations and pass a spending package to fully address unmet needs, targeting the most critical needs for immediate investment. This spending package should also address the funding necessary for the buildout of unmet essential utilities and core infrastructure needs in Indian Country such as electricity, water, telecommunications, and roads. Congress should ensure that these funds are available and accessible to all tribal governments on an equitable need basis.

The federal government should provide steady, equitable, and non-discretionary funding directly to tribal nations to support the public safety, health care, education, housing, and economic development of Native tribes and people. Congress should provide funding to establish an interagency working group to share expertise and develop and improve systems and methodologies that federal government agencies could replicate for the collection of accurate and disaggregated data on small and hard to count populations such as the Native American and Native Hawaiian or Other Pacific Islander racial groups.

The report is available at the following website:

<https://www.usccr.gov/pubs/2018/12-20-Broken-Promises.pdf>

Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities

In this report, the Commission provides an overview of the relevant data and arguments for and against the imposition of collateral consequences on people with criminal records. Each year, federal and state prisons release more than 620,000 people to return to their communities. While these individuals have often completely exited criminal supervision (for example, through a prison sentence or probation), individuals with criminal records still face potentially thousands of collateral consequences upon reentering society. These collateral consequences are sanctions, restrictions, or disqualifications that attach to a person because of the person's criminal history. For example, individuals with criminal histories can face barriers to voting, jury service, holding public office, securing

employment, obtaining housing, receiving public assistance, owning a firearm, getting a driver's license, qualifying for financial aid and college admission, qualifying for military service, and maintaining legal status as an immigrant. The reach of each collateral consequence extends past people with criminal records to affect families and communities.

The Commission majority approved key findings including the following: Collateral consequences exacerbate punishment beyond the criminal conviction after an individual completes the court-imposed sentence. Valid public safety bases support some collateral consequences, such as limitations on working with children for people convicted of particular dangerous crimes. Many collateral consequences, however, are unrelated either to the underlying crime for which a person has been convicted or to a public safety purpose. When the collateral consequences are unrelated in this way, their imposition generally negatively affects public safety and the public good.

Evidence shows harsh collateral consequences unrelated to public safety increase recidivism by limiting or by completely barring formerly incarcerated persons' access to personal and family support. In addition, the general public, attorneys, and the courts often lack knowledge of what the totality of the collateral consequences are in their jurisdiction, how long they last, and whether they are discretionary or mandatory, or even if they are relevant to public safety or merely an extended punishment beyond a criminal sentence. This absence of public and judicial awareness of collateral consequences of conviction undermines any deterrent effect that might flow from attaching such consequences, separate and apart from the punishment itself, to criminal convictions. The processes people must undertake to restore rights, for example through applications for pardon or for judicial record sealing, are often complicated, opaque, and difficult to access.

The Commission majority voted for key recommendations, including the following: Collateral consequences should be tailored to serve public safety. Policymakers should avoid punitive mandatory consequences that do not serve public safety, bear no rational relationship to the offense committed, and impede people convicted of crimes from safely reentering and becoming contributing members of society. Jurisdictions that impose collateral consequences should periodically review the consequences imposed by law or regulation to evaluate whether they are necessary to protect public safety and if they are related to the underlying offenses.

The Commission majority specifically calls on Congress to limit discretion of public housing providers to prevent them from categorically barring people with criminal convictions from access to public housing; lift restrictions on access to student loans based on criminal convictions, except for convictions related to financial fraud; eliminate restrictions on TANF and SNAP benefits based on criminal convictions; and require federal courts to give comprehensive notice of federal restrictions on individuals' rights before guilty plea entry, upon conviction, and upon release from incarceration.

The report is available at the following website:

<https://www.usccr.gov/pubs/2019/06-13-Collateral-Consequences.pdf>

Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities

In this report, the Commission investigated school discipline practices and policies impacting students of color with disabilities and the possible connections to the school-to-prison pipeline, examined rates of exclusionary discipline, researched whether and under what circumstances school discipline policies unfairly and/or unlawfully target students of color with disabilities, and analyzed the federal government's responses and actions on the topic. The Commission's report reflects that several decades of research demonstrate persistent racial disparities in disciplinary rates and disparities based on disability status but much of scholarship based on this data has not analyzed how these policies affect those students who live at the intersection of these two identities. The literature available, however, does suggest that students of color with disabilities face exclusionary discipline pushing them into the school-to-prison pipeline at much higher rates than their peers without disabilities. And, while exclusionary discipline has been shown to be harmful for the educational attainment of all students, students with disabilities, particularly those who are students of color, face even more challenges when they are not able to receive a quality education.

The Commission majority approved key findings including the following: Students of color as a whole, as well as by individual racial group, do not commit more disciplinable offenses than their white peers – but black students, Latino students, and Native American students in the aggregate receive substantially more school discipline than their white peers and receive harsher and longer punishments than their white peers receive for like offenses. Students with disabilities are approximately twice as likely to be suspended throughout each school level compared to students without disabilities.

Data the U.S. Department of Education reports show a consistent pattern of schools suspending or expelling black students with disabilities at higher rates than their proportion of the population of students with disabilities. Data show the large majority of out-of-school suspensions are for nonviolent behavior. The most recent available data reflect that, with the exception of Latinx and Asian American students with disabilities, students of color with disabilities were more likely than white students with disabilities to be expelled without educational services.

Research reflects that, in addition to missed class time, excessive exclusionary discipline negatively impacts classroom engagement and cohesion and increases the likelihood excluded students will be retained in grade, drop out of school, or be placed in the juvenile justice system. Research also shows that zero tolerance policies and the practice of exclusionary discipline in schools in the absence of consideration and application of

alternatives to exclusionary discipline are ineffective in creating safe and healthy learning environments for students, teachers, and staff.

The Commission majority voted for key recommendations, including the following: The U.S. Department of Education's Office for Civil Rights (OCR) should continue offering guidance to school communities regarding how to comply with federal nondiscrimination laws related to race and disability in the imposition of school discipline. It is critical that all teachers are provided with resources, guidance, training, and support to ensure nondiscriminatory discipline in schools. Congress should continue to provide funding to help states and school districts provide training and support and, with Congressional appropriation support, the U.S. Departments of Justice and Education should continue and expand their grant funding for these important goals. OCR should rigorously enforce the civil rights laws over which it has jurisdiction, to address allegations of discrimination in school discipline policies.

The report is available at the following website:

<https://www.usccr.gov/pubs/2019/07-23-Beyond-Suspensions.pdf>

Performance Measure A.2.1.2

During FY 2019, the Commission issued the following thirty-six statements and letters on current civil rights issues:

Subject: U.S. Commission on Civil Rights Mourns the Loss of Life in Pittsburgh, Pennsylvania and Jeffersontown, Kentucky

On November 2, 2018, the Commission, by unanimous vote, issued a statement that joins the nation in mourning the loss of thirteen lives in the last several days at the Tree of Life synagogue in Pittsburgh, Pennsylvania on Saturday October 27, 2018 and in Jeffersontown, Kentucky on Wednesday, October 24, 2018. These tragic losses follow what appear to be bias-motivated shootings. We remember and honor those killed or injured in the attacks including the first responders who responded heroically to stop the shooter from taking additional lives.

The statement is available at the following website:

<https://www.usccr.gov/press/2018/11-02-Pittsburgh-Jeffersontown-PR.pdf>

Subject: U.S. Commission on Civil Rights Warns Against Attempts to End Birthright Citizenship, Continued Hostility to Immigrants

On December 7, 2018, the Commission, by majority vote, issued a statement that strongly opposes the President's announced intention to attempt to end citizenship for children born in the United States to non-citizens through executive order. The

President's proposal continues a troubling pattern of statements expressing hostility and animus toward immigrants or their nations of origin that this Commission has previously noted. This attempt is just the latest manifestation of policies, such as the Muslim ban and the proposed expansion of public charge determinations to curtail immigration from marginalized communities that threaten the dignity, well-being, and civil rights of immigrants and citizens in our country.

The statement is available at the following website:

<https://www.usccr.gov/press/2018/12-07-Birthright-Citizenship-Statement.pdf>

Subject: Comment in Opposition to Notice of Proposed Rulemaking re. Inadmissibility on Public Charge Grounds

On December 7, 2018, the Commission, by majority vote, submitted comments in opposition to Department of Homeland Security's (DHS) Notice of Proposed Rulemaking and how it determines whether an immigrant is inadmissible to the United States because he or she is likely at any time to become a public charge. The proposed rule raises numerous civil rights concerns and is in fundamental disagreement with the spirit of our nation's civil rights laws and core principles of equal opportunity.

The letter is available at the following website:

<https://www.usccr.gov/press/2018/12-07-Comment-on-Public-Charge-Rule.pdf>

Subject: Narrowly Defining Gender to a Biological Condition at Birth

On December 7, 2018, the Commission, by majority vote, wrote to urge the Department of Health and Human Services not to narrowly define gender to a biological, immutable condition determined at birth. The Commission is concerned that such a definition will have serious negative impacts on the health, welfare, and civil rights of members of the transgender community. Defining federal protections barring discrimination on the basis of sex to exclude protections for transgender people runs counter to longstanding legal precedent and will leave transgender people vulnerable to unlawful discrimination.

The letter is available at the following website:

<https://www.usccr.gov/press/2018/12-07-Transgender-Letter-to-Health-Human-Services.pdf>

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

On December 7, 2018, the Commission, by majority vote, issued a statement that urges the 116th Congress to prioritize civil rights issues with its oversight and legislative

activity because of the urgent need to restore national commitment to civil rights principles. For over sixty years, Congress has mandated that the U.S. Commission on Civil Rights advise Congress, the President, and the American public on matters of civil rights policy; that mandate is as pressing now as it has ever been. The Commission's recent evaluation of issues ranging from voting rights, to education equity, to workplace protections for LGBT individuals, to access to justice, among other critical areas, shows that Congress can and should do much more to ensure that all Americans' civil rights are protected.

The statement is available at the following website:

<https://www.usccr.gov/press/2018/12-07-Priorities-for-116th-Congress.pdf>

Subject: An Assessment of Minority Voting Rights Access in the United States

On January 31, 2019, the Commission wrote a letter to Chairman Jerrold Nadler of the Committee on the Judiciary, U.S. House of Representatives to share the Commission's briefing report, An Assessment of Minority Voting Rights Access in the United States. The Commission believes the report will inform members of the Committee on the Judiciary as they consider legislation on voter access and election protection. The letter summarizes the Commission's key finding and recommendations.

The letter is available at the following website:

<https://www.usccr.gov/press/2019/02-01-Letter-House-Judiciary-Committee-Voting-Rights.pdf>

Subject: The U.S. Commission on Civil Rights Urges the U.S. Department of Justice and the Trump Administration to Increase Hate Crime Enforcement to Address White Nationalism

On March 22, 2019, the Commission, by majority vote, issued a statement that strongly urges the United States Department of Justice and the Trump Administration to increase hate crimes enforcement responsive to white nationalism and the violence motivated by hate targeted at people of color, faith, and newcomers to our country. To not act forcefully and forthrightly at moments such as this is a missed opportunity to say to white nationalist extremist groups and individuals that their actions are intolerable in America. The United States Department of Justice has the tools and authority to respond effectively to hate and to lead the country in safeguarding our core civil rights commitments of equality for all.

The statement is available at the following website:

<https://www.usccr.gov/press/2019/03-22-White-Nationalism.pdf>

Subject: U.S. Commission on Civil Rights Urges Passage of the Dream Act of 2019

On April 12, 2019, the Commission, by unanimous vote, issued a statement that welcomes the introduction of the Dream Act of 2019. First introduced nineteen years ago, passage of this bipartisan legislation is long overdue. The Dream Act recognizes that our country is stronger when all its members can make economic and social contributions to their fullest potentials. The Dream Act would provide the opportunity to earn legal permanent residence and eventual citizenship to “Dreamers,” undocumented immigrants who were brought to the U.S. as children, built their lives and families here, and are considered American in every way except for their immigration status.

The statement is available at the following website:

<https://www.usccr.gov/press/2019/04-12-Statement-Dream-Act.pdf>

Subject: The U.S. Commission on Civil Rights Condemns Past and Recent Comments Motivated by or Evidencing Religious Intolerance

On April 12, 2019, the Commission, by unanimous vote, issued a statement that condemns past and recent comments motivated by or evidencing religious intolerance. Such remarks, particularly when they are made by American political leaders, have no place in America, a nation founded on ideals of religious freedom. Those who use words of intolerance for political gain have not learned the lessons on the true danger of this path. Their actions and choice of words bring discomfort and fear to many, contrary to the values of acceptance we should all champion.

The statement is available at the following website:

<https://www.usccr.gov/press/2019/04-12-Statement-Religious-Intolerance.pdf>

Subject: U.S. Commission on Civil Rights Supports Securing Equal Rights for LGBT Community

On June 7, 2019, the Commission, by majority vote, issued a statement that applauds the passage of the Equality Act by the House of Representatives as an important first federal step in securing the equal rights of the LGBT community. The bill amends the Civil Rights Act of 1964 and other civil rights laws to explicitly ban discrimination against LGBT people in public accommodations, education, federally funded programs, employment, housing, credit opportunities, and jury service.

The statement is available at the following website:

<https://www.usccr.gov/press/2019/06-07-Commission-Equality-Act-Statement.pdf>

Subject: The U.S. Commission on Civil Rights Denounces Replacement of Interpreters with a Video at Immigrants' First Immigration Hearing

On July 19, 2019, the Commission, by majority vote, issued a statement that strongly objects to Department of Justice plans to replace in-person interpreters at immigrants' first immigration hearing with a video recorded in multiple languages. The elimination of interpreters is a significant impediment to the fair administration of justice, and is a blatant violation of the due process and civil rights of immigrants with limited English proficiency (LEP), who are entitled to understand what is happening at their hearings.

The statement is available at the following website:

<https://www.usccr.gov/press/2019/Immigration-Interpreter-Statement.pdf>

Subject: The U.S. Commission on Civil Rights Strongly Condemns the Recent Statements of President Trump Telling U.S. Congresswomen to Leave the Country and "Go Back" to Their Countries

On July 19, 2019, the Commission, by majority vote, issued a statement that strongly condemns statements by the President declaring that elected United States congresswomen should "go back" to countries they "originally came from," notwithstanding that for all four congresswomen their country is in fact the United States. Such racist, nativist, and xenophobic statements undermine the equality principles to which this country aspires, instill and promote division and fear among Americans, and seek to denigrate some among us as less American than others.

The statement is available at the following website:

<https://www.usccr.gov/press/2019/President-Remarks-Congresswomen.pdf>

Subject: Federal Housing Finance Agency Regarding Revised Uniform Residential Loan Applications

On September 13, 2019, the Commission, by majority vote, wrote to request that the Federal Housing Finance Agency immediately reverse its recent decision to remove the critically important language preference question from the revised Uniform Residential Loan Application (URLA). The Commission is concerned that the decision was both unsubstantiated, and that it undermines Fannie Mae and Freddie Mac's statutorily mandated duty to facilitate homeownership for underserved communities.

The letter is available at the following website: <https://www.usccr.gov/press/2019/09-13-Letter-to-FHFA.pdf>

Transmittal of State Advisory Committee Memoranda and Reports

The Commission issued 28 transmittal letters to individuals or organizations that could implement the recommendations made in State Advisory Committee memoranda and reports. The Commission requested that each recipient review the memorandum or report and take the steps necessary to protect civil rights in their jurisdiction. Below are the subjects and links to the relevant letters:

Racial Discrimination in Criminal Prosecution and Sentencing in Maine

<https://www.usccr.gov/press/2018/10-10-18-letter.pdf>

Municipal Fines and Fees

<https://www.usccr.gov/press/2018/11-19-letter.pdf>

Payday Lending in Rhode Island

<https://www.usccr.gov/press/2018/Nov-2018-Letters-Rhode-Island-Payday-Lending.pdf>

Alaska Native Voting Rights

<https://www.usccr.gov/press/2018/12-11-Alaska-Voting-Letters.pdf>

Voting Rights in Arizona

<https://www.usccr.gov/press/2019/03-22-Arizona-Voting-Rights.pdf>

Voting Rights in Texas

<https://www.usccr.gov/press/2019/04-25-Letter-TX-Voting-Rights.pdf>

Voting Integrity in California Issues and Concerns in the 21st Century

<https://www.usccr.gov/press/2019/04-24-Letter-Recommendations-CA-Voting-Rights.pdf>

Voting Rights in New Hampshire

<https://www.usccr.gov/press/2019/08-19-Letter-New%20Hampshire-Voting-Report.pdf>

The Civil Rights Implications of Tennessee's Civil Asset Forfeiture Laws and Practices

<https://www.usccr.gov/press/2019/08-22-Tennessee-Letters-Civil-Asset-Forfeiture.pdf>

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

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

Strategy A.3.1 - The Commission will maintain all 51 Advisory Committees.	FY 2019 Target	FY 2019 Results
A.3.1.1 - The Commission will ensure that each Advisory Committee is promptly appointed after expiration.	90% currently appointed Advisory Committees	Met

Performance Measure A.3.1.1

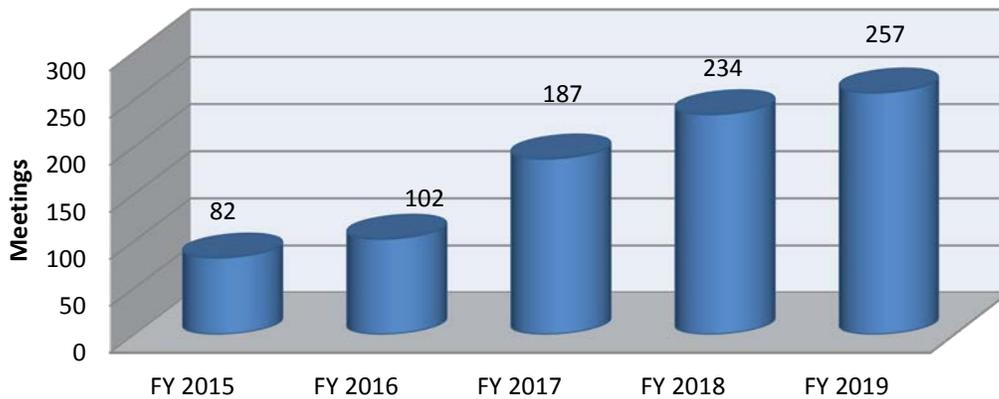
The Commission’s State Advisory Committees operate in compliance with the Federal Advisory Committee Act (FACA). FACA requires that agencies file federal advisory committee charters every two years. The charter for all advisory committees is current. Commissioners appoint members to advisory committees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

Strategy A.3.2 - The Commission’s Advisory Committees will assess the state of civil rights, or a particular civil rights issue, in their jurisdiction.	FY 2019 Target	FY 2019 Results
A.3.2.1 - Advisory Committees will develop proposals and investigative plans to conduct investigations into civil rights issues of significance in their jurisdiction.	Ten meetings	Met
A.3.2.2 - Advisory Committees will hold briefings, public forums, or another mechanism.	Five briefings or hearings	Met
A.3.2.3 - Advisory Committees will publish reports, statements, memoranda, or other publications to provide policy recommendations to the Commission.	Five publications	Met

Performance Measure A.3.2.1

State Advisory Committees develop proposals and investigative plans to conduct investigations into civil rights issues of significance in their jurisdiction. During FY 2019, SACs held 257 planning meetings. In FY 2018, the SACs held 234 planning meetings.

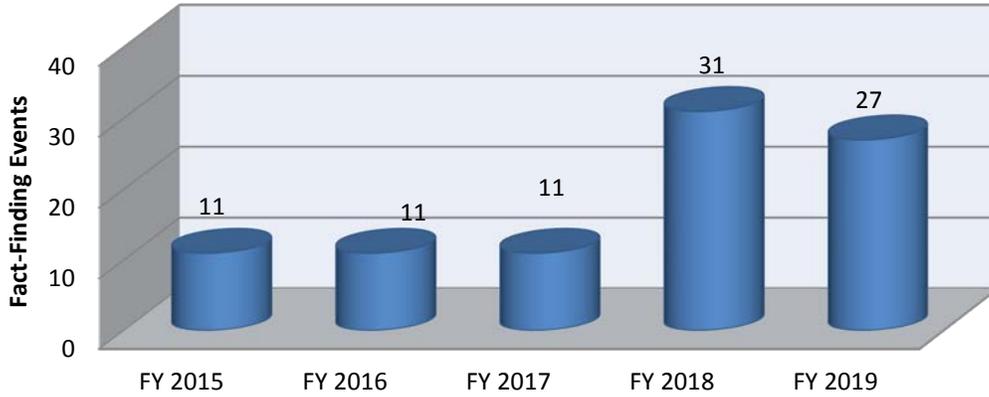
Regional Office Planning Meetings



Performance Measure A.3.2.2

State Advisory Committees held briefings and meetings to conduct investigations into civil rights issues. During FY 2019, SACs held 27 fact-finding events. In FY 2018, the SACs held 31 fact-finding events.

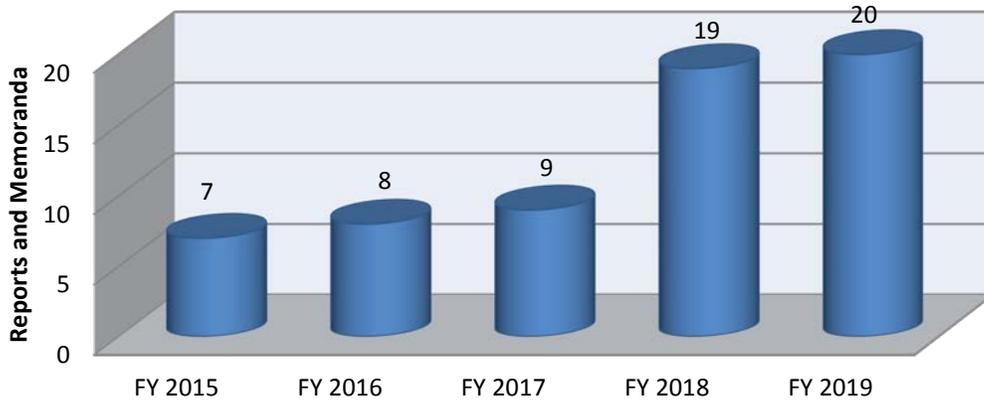
Regional Office Fact-Finding Events



Performance Measure A.3.2.3

State Advisory Committees, with the support of regional staff, publish reports, statements, and memoranda. In FY 2019, SACs published 20 reports and memoranda.

State Advisory Committee Reports and Memoranda



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

Payday Lending in Rhode Island

On April 27, 2018, the Rhode Island Advisory Committee to the U.S. Commission on Civil Rights (SAC) convened a public briefing to hear testimony regarding civil rights concerns related to payday loans. The Committee held the briefing to examine whether there are disparities in payday lending practices and hear from elected officials, religious figures, advocates, and experts in the field. The resulting advisory memorandum recommends: (1) the General Assembly should pass a bill eliminating the statutory carve-out for payday lenders; (2) Rhode Island should encourage the growth and development of small dollar loan programs that have lower interest rates and longer terms than payday loans; and (3) Rhode Island should investigate the underlying financial circumstances that leave Rhode Islanders of color especially in need of the credit advances payday loans provide.

The report or memorandum is available at the following website:

<https://www.usccr.gov/pubs/2018/Final%20Payday%20Lending%20Report%20for%20Website.pdf>

Statement of the North Dakota Advisory Committee Concerned by Potential for Voter Suppression

On October 26, 2018, the North Dakota Advisory Committee to the U.S. Commission on Civil Rights issued a unanimous statement on recent developments regarding a voter ID law in North Dakota. The Committee statement reflected the Committee's belief that voting is the foundation of our government, our society, and our way of life and that without the right to vote, people have no say in the decisions that affect our lives every day. The statement expressed concern that, just weeks before an upcoming election, the U.S. Supreme Court allowed a new North Dakota voter identification requirement to take effect. The new law requires voters to present an ID that includes a residential address. The statement reflected concern that the decision may adversely affect many voters throughout the state, especially Native Americans living on reservations, because many of them do not have residential addresses. The Committee echoed the Commission's "call for robust protections of a right that has proven fragile," and urged North Dakota voters to be active in checking whether they could access the ballot box given the new identification rules.

The statement is available at the following website:

<https://www.usccr.gov/press/2018/20181026-North-Dakota-Voting-Rights.pdf>

Human Trafficking in Oregon

On April 3, 2018, April 17, 2018, May 1, 2018, and May 2, 2018, the Oregon Advisory Committee to the U.S. Commission on Civil Rights held public meetings on sex trafficking and labor trafficking in the agriculture and forestry industries. The Committee identified the following concerns: (1) human trafficking is a form of gender-based discrimination; (2) there is a lack of culturally-specific and gender appropriate services to assist human trafficking victims; (3) government agencies responsible for investigating and prosecuting potential human trafficking cases need effective methods of communication; (4) the H-2A and H-2B visa programs are problematic and characterized by rampant exploitation of foreign-born workers; (5) data collection on human trafficking-related activities is limited; and (6) there is a need for training on how to identify victims and address human trafficking.

The report or memorandum is available at the following website:

<https://www.usccr.gov/pubs/2019/02-11-Human-Trafficking-Oregon.pdf>

Advisory Memorandum on Pending Legislation

On April 2, 2019, the Connecticut Advisory Committee to the U.S. Commission on Civil Rights held a briefing to examine the prosecutorial appointment process and prosecutorial practices in the Connecticut criminal justice system and whether these contribute to the racial disparities. In consideration of the testimony heard at its briefing, the Committee recommended that the Connecticut Legislature: (1) enact legislation regarding prosecutorial transparency and data collection; (2) provide additional funding for prosecutorial training; (3) increase opportunities for the public to be heard in the prosecutorial appointment process and policy priorities; and (4) support the expansion of the Chief State's Attorney's existing Early Screening and Intervention Program.

The report or memorandum is available at the following website:

<https://www.usccr.gov/press/2019/05-01-CT-SAC-Prosecutor-Memo-for-Legislation.pdf>

Preliminary Advisory Memorandum on Legal Financial Obligations in Tennessee

On March 27, 2019, the Tennessee Advisory Committee to the U.S. Commission on Civil Rights held a briefing to examine the policies and practices governing legal financial obligations (LFOs) in Tennessee and whether LFOs impose disproportionate burdens on women, indigent persons, or communities of color. The Committee highlighted a few of its key observations: (1) LFOs can create barriers to successful reentry and reintegration of formerly incarcerated individuals, contrary to the pursuit of a fair and effective justice system; (2) the number and type of fines and fees in Tennessee, both in civil and criminal

proceedings, for juveniles as well as adults, have grown substantially in the past decades, vary significantly by county and can create uncollectable debt; and (3) accrued penal debt may exacerbate an individual's complex challenges in finding stable work, housing and transportation after a period of incarceration. It also can negatively impact a person's family and social networks; and (4) the harsh consequences of penal debt appear to fall disproportionately upon women, the poor, and communities of color.

The report or memorandum is available at the following website:

<https://www.usccr.gov/pubs/2019/Advisory-Memo-on-Legal-Financial-Obligations-in-Tennessee.pdf>

Advisory Memorandum on Voting Rights Briefing

On May 29, 2018, the Rhode Island State Advisory Committee to the U.S. Commission on Civil Rights held a briefing to examine the impact of the voter identification legislation. The issues that the speakers identified as relevant and potentially discriminatorily affecting voting rights based on race, color sex, disability status, and national origin included the following: (1) voter identification laws disproportionately impact communities of color; (2) there are issues with polling places; (3) there are problems with the issuance and execution of provisional ballots; and (4) the state has a modern voting system, using online voter registration and automatic voter registration, but has antiquated practices in voter registration requirements and out-of-date practices in early voting.

The report or memorandum is available at the following website:

<https://www.usccr.gov/press/2019/05-15-RI-Voting-Rights.pdf>

Bordertown Discrimination in Montana

On March 29, 2018, the Montana Advisory Committee to the U.S. Commission on Civil Rights held a public briefing to discuss Border Town discrimination that may have a discriminatory impact based on race, color, disability status, national origin, and/or the administration of justice. The Committee heard testimony on civil rights of Native Americans from law enforcement, criminal justice officials, advocacy groups, and elected officials. This study is a continuation of the Committee's 2016 Border Town discrimination inquiry on civil rights in Montana. The brief presents a review of the issues, identifies key findings of the Committee, and provides policy recommendations.

The report or memorandum is available at the following website:

<https://www.usccr.gov/pubs/2019/05-29-Bordertown-Discrimination-Montana.pdf>

Advisory Memorandum on Hate Crimes in Massachusetts

On March 26, 2019, the Massachusetts Advisory Committee to the U.S. Commission on Civil Rights held a briefing in support of the Commission's project on hate crimes. The Committee sought to learn about the reported rise in hate crimes in Massachusetts and the response and efforts to address it. The Committee identified the following assertions and themes: (1) Tracking and Responding to Hate Crimes - data on hate crimes are unreliable; (2) Prosecuting Alleged Hate Crimes - anecdotal evidence suggests that the Massachusetts hate crime statute is not consistently applied; and (3) Preventing Hate Crimes - addressing the underlying problem of bias requires community involvement, partnerships with law enforcement, increased diversity of law enforcement personnel, and education, including mandatory public school anti-bias programs.

The report or memorandum is available at the following website:

<https://www.usccr.gov/pubs/2019/Advisory-Memo-on-Hate-Crimes-in-Massachusetts.pdf>

Use of Native American Indian Mascots in Non-Native Public Schools

On July 10, 2019, the Nebraska Advisory Committee to the U.S. Commission on Civil Rights issued a statement on the use of Native American Indian mascots in non-native public schools. A significant body of social science research, as well as reports from individuals and groups within the Native American community, indicates that such use by non-Native schools is disrespectful, offensive, demeaning, harmful, unwelcomed, and discriminatory. Therefore, the Nebraska State Advisory Committee publicly denounces the use of Native American mascots and calls for the elimination of such use within Nebraska's non-Native public schools.

The statement is available at the following website:

<https://www.usccr.gov/pubs/2019/07-10-Statement-of-the-NSAC-USCCR.pdf>

The Criminalization of People with Mental Illnesses in Maine

On June 14, 2017, the Maine Advisory Committee to the U.S. Commission on Civil Rights held a briefing to gather information from local advocates, law enforcement, attorneys, legislators, judicial officials, family members, and the public regarding treatment and de-criminalization of persons with mental illnesses in Maine. The Committee concluded that to decriminalize mental illnesses in Maine, two primary approaches are necessary. First, the Committee recommends using evidence-tested ways to protect and treat individuals with mental illnesses caught up throughout the criminal justice system, with the goal of stopping criminalization and enabling such individuals to

thrive in Maine’s communities. Second, the Advisory Committee recommends funding and building up expanded, appropriate community care systems consistent with evidence-based best practices, so that in time nearly all persons with mental illnesses will benefit from integrated care in their homes and communities.

The report or memorandum is available at the following website:

<https://www.usccr.gov/pubs/2019/07-30-Maine-Criminalization-Mental-Health.pdf>

Summary of Briefings on Subtle Racism in South Dakota

On March 24, 2017, July 24, 2018, and July 25, 2018, the South Dakota Advisory Committee to the U.S. Commission on Civil Rights held briefings about the barriers faced by communities of color, particularly Native American communities, in South Dakota. The briefings of the South Dakota Advisory Committee show that the failures by the federal and state governments to adequately address the wellbeing of the indigenous populations in the United States is a part of the reason South Dakota’s indigenous population ranks near the bottom in health, education, and employment outcomes.

The report or memorandum is available at the following website:

<https://www.usccr.gov/pubs/2019/07-30-SD-SAC-Subtle-Racism-Report.pdf>

Micronesians in Hawaii: Migrant Group Faces Barriers to Equal Opportunity

On August 20, 2015 and October 17, 2018, the Hawaii Advisory Committee to the U.S. Commission on Civil Rights held hearings on barriers to equal opportunities for Micronesians within the state. This report documents a longitudinal study conducted by the Committee based upon concerns raised by panelists and members of the public regarding barriers to equal opportunity throughout the state of Hawaii for people migrating from Micronesia to Hawaii. The legal framework in the United States protects lawful residents from a denial of equal access to official benefits and services. The federal government and the state of Hawaii have obligations to deliver social service support to this migrant group, lawfully residing in the United States.

The report or memorandum is available at the following website:

<https://www.usccr.gov/pubs/2019/08-13-Hawaii-Micronesian-Report.pdf>

Disability Rights and Civil Rights in Georgia

On February 27, 2019 and July 17, 2019, the Georgia Advisory Committee to the U.S. Commission on Civil Rights held briefings to receive testimony on disability rights about the *Olmstead v. L.C.* United States Supreme Court decision and subsequent settlement agreements. In *Olmstead v. L.C.*, two women sued the Commissioner of Georgia’s Department of Human Services under Title II of the Americans with Disabilities Act

(ADA). They argued that, by being kept in an institution after being cleared for community-based programs, they were not receiving services in the "most integrated setting" and that this segregation constituted discrimination under Title II. In a 6-3 decision, the U.S. Supreme Court agreed with the women, stating that the unjustified segregation they were facing did constitute discrimination and that people with disabilities had the right to receive services in the community. Based upon testimony the Committee received, the Committee concluded that Georgia has not reached a point where all Georgians with disabilities are received services in the most integrated setting appropriate, as mandated in Olmstead and subsequent settlement agreements. The Committee recommends that the Commission conduct a national study on disability rights.

The report or memorandum is available at the following website:

<https://www.usccr.gov/pubs/2019/09-09-GA-Disability-Rights.pdf>

Citizenship Delayed: Civil Rights and Voting Rights Implications of the Backlog in Citizenship and Naturalization Applications

On February 22, 2019, the Colorado Advisory Committee to the U.S. Commission on Civil Rights held a hearing to receive testimony on the civil rights implications of the U.S. Citizenship and Immigration Service's naturalization backlog in Colorado. The Committee concluded that eliminating the U.S. Citizenship and Immigration Service's naturalization backlog and addressing the associated civil rights consequences will take a concerted effort from all stakeholders. The Committee recommended that affected individuals should pursue relief through the judicial system, while attempting to work with the other two branches to advance their case. The Committee also recommended that U.S. Citizenship and Immigration Services should evaluate policies and procedures impacting operational efficiency of benefits adjudication.

The report or memorandum is available at the following website:

<https://www.usccr.gov/pubs/2019/09-12-Citizenship-Delayed-Colorado-Naturalization-Backlog.pdf>

Mental Health Implications for Policing Practices and the Administration of Justice

On May 3, 2019 and August 9, 2018, the Nevada Advisory Committee to the U.S. Commission on Civil Rights held a forum and a briefing to receive testimony on civil rights concerns related to policing practices specifically in the use of force and related criminal justice topics. The purposes of this report are: (1) to share civil rights concerns brought forth in testimony in relation to disparities in policing practices and communities potentially impacted and (2) to provide specific recommendations to the Commission regarding actions that can be taken to address civil rights concerns.

The report or memorandum is available at the following website:
<https://www.usccr.gov/pubs/2019/09-18-NV-Policing-Practices.pdf>

Alaska Native Voting Rights

On August 24, 2017, June 19, 2018, and August 1, 2018, the Alaska Advisory Committee to the U.S. Commission on Civil Rights held briefings to receive testimony on the effectiveness of the implementation of the Toyukak v. Mallott settlement and court order related to language access, and the potential disparate impact of a statewide vote by mail system on Alaska Native voters. This report documents an evaluation of the state's effort in 2016 to implement the Toyukak v. Mallott settlement and court order related to language access for Alaska Native voters, and examines concerns regarding the potential impact of vote by mail—a move that the State was considering during the gathering of evidence and before the production of this report.

The report or memorandum is available at the following website:
<https://www.usccr.gov/pubs/2019/09-19-AK-SAC-Voting-Report.pdf>

Civil Rights Impacts from Collateral Consequences in West Virginia

On May 4, 2018 and July 19, 2018, the West Virginia Advisory Committee to the U.S. Commission on Civil Rights held briefings to receive testimony on the collateral consequences that a felony record can have on access to employment, housing, professional licensing and public benefits. This report offers background information on the scope of collateral consequences nationally and describes general policy concerns surrounding the issue. It describes the legal scope of collateral consequences in West Virginia and explores the barriers that collateral consequences impose on those individuals with a criminal record as they attempt to re-enter society to become productive citizens.

The report or memorandum is available at the following website:
<https://www.usccr.gov/pubs/2019/09-25-Civil-Rights-Impacts-from-Collateral-Consequences-in-WV.pdf>

Civil Rights and Education Funding in Kansas

On February 22, 2018, March 5, 2018, March 22, 2018, April 13, 2018, and May 2, 2018, the Kansas Advisory Committee to the U.S. Commission on Civil Rights held hearings to receive testimony on civil rights and education funding in Kansas, and the potential disparate impact in access to education on the basis of race, color, age, religion, or disability. This report details civil rights concerns relating to school funding in the State of Kansas, and its impact on disparities in educational outcomes on the basis of race, color, sex, national origin, or disability status. The Committee examined the extent to

which specific school funding formulas contribute to disparities in student achievement, as well as alternative practices with the demonstrated potential to address such concerns.

The report or memorandum is available at the following website:

<https://www.usccr.gov/pubs/2019/09-26-Kansas-Civil-Rights-and-Education-Funding.pdf>

Advisory Memorandum on Hate Crimes in Rhode Island

On June 11, 2019, the Rhode Island Advisory Committee to the U.S. Commission on Civil Rights held a briefing to receive testimony on the effectiveness of the current legislation in place to track, report, and combat hate crimes within Rhode Island. This Advisory Memorandum highlights the information the Committee learned at the briefing. The main assertions and themes of the briefing were hate crimes are underreported, there are barriers to reporting, improvements are needed to address the LGBTQ community and hate crimes, education initiatives are important to combat hate crimes, law enforcement training needs improvement, protection is needed for associational hate crimes, hate crime law is a misnomer in Rhode Island, and there are underutilized efforts to combat hate crimes.

The report or memorandum is available at the following website:

<https://www.usccr.gov/pubs/2019/09-30-Rhode-Island-Advisory-Memo-Hate-Crimes.pdf>

Advisory Memorandum on Hate Crimes in North Dakota

On June 19, 2019, the North Dakota Advisory Committee to the U.S. Commission on Civil Rights held a briefing to learn about the impact of hate crimes statewide as well as the effectiveness of current legislation aimed at preventing hate crimes within North Dakota. The main assertions and themes of the briefing were North Dakota hate crime law is inadequate, there is a need for mandatory reporting, public education is an important part of combating hate crimes, there is a need for mandatory training, and there are economic consequences of insufficient hate crime laws.

The report or memorandum is available at the following website:

<https://www.usccr.gov/pubs/2019/09-30-North-Dakota-Advisory-Memo-Hate-Crimes.pdf>

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

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

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

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

Strategy B.1.1 - The Commission will routinely host public speakers to share their experience and expertise on historical and current civil rights issues.	FY 2019 Target	FY 2019 Results
B.1.1.1 - Holding Speaker Series sessions in conjunction with business meetings	Three Speaker Series' sessions	Met

Performance Measure B.1.1.1

During its regularly scheduled business meetings, the Commission holds a Speaker Series where scholars and other experts present information about important civil rights events, history, or topics. These presentations help educate and inform the Commissioners, staff, and the public about current and historic civil rights issues and events. In FY 2019, the Commission held four speaker series.

American Responses to the Rise of Nazism and the Refugee Crisis in the 1930s and 1940s

On March 22, 2019, the Commission heard a presentation by Dr. Rebecca Erbelding an archivist, curator, and historian at the United States Holocaust Memorial museum for 15 years. Dr. Erbelding discussed how racism, anti-Semitism and xenophobia shaped America's response to Nazism and the Holocaust and the Refugee Crisis. The motives, pressures, and fears that shaped American attitudes and actions then offer an important

lens for reflecting on how to overcome obstacles and barriers to humanitarian action today.

Stonewall at 50: The Movement for LGBT Civil Rights

On June 7, 2019, the Commission heard a presentation by historian and writer David Carter who has been working on the history of the LGBT civil rights movement for a quarter of a century. His last book, *Stonewall: The Riots That Sparked the Gay Revolution*, was published by St. Martin's Press in 2004. Mr. Carter presented on the events leading up to the demonstrations at Stonewall and their historical significance for the movement for LGBT civil rights.

The History and Legacy of the Immigration Reform and Control Act of 1986

On July 19, 2019, the Commission heard a presentation by Charles Kamaski, an author and longtime Senior Cabinet Advisor to UnidosUS, formerly the National Council of La Raza, on the Immigration Reform and Control Act of 1986 (IRCA). Mr. Kamaski played a direct role in the passage of the IRCA. IRCA prohibited employers from knowingly hiring undocumented immigrants and extended legal status to undocumented immigrants who had arrived before 1982. The lessons learned from the IRCA's evolution and bipartisan passage remain critically important in today's immigration debates.

Lessons of the Reconstruction Period for Today's Civil Rights Debates

On September 13, 2019, the Commission heard a presentation by Eric Foner, DeWitt Clinton Professor Emeritus of History, Columbia University and Thavolia Glymph, Professor of History and Law, Duke University, on the Reconstruction Period. The Reconstruction Period immediately following the Civil War was a time of major social, political, and legal change in American history. Professors Eric Foner and Thavolia Glymph discussed access to citizenship and voting rights, powers of national and state governments, political and economic democracy, and more—significant issues that continue to unfold even to this day.

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

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

	FY 2019 Target	FY 2019 Results
Strategy B.2.1 - Expand press outreach		
B.2.1.1 - The Commission will regularly publicize Commission and Advisory Committee briefings and other events.	10 Press releases or media posts	Met
B.2.1.2 - The Commission will regularly publicize the release of reports or other publications by the Commission and its Advisory Committees.	10 Press releases or media posts	Met

Performance Measure B.2.1.1

The Commission regularly publicizes Commission and Advisory Committee briefings and other events through press releases, media advisories, information flyers, and website updates. During FY 2019, the Commission issued 57 press releases or media posts publicizing Commission and Advisory Committee briefings and other events.

Performance Measure B.2.1.2

The Commission regularly publicizes the release of reports and other publications by the Commission and Advisory Committees through press releases, media advisories, information flyers, and website updates. During FY 2019, The Commission issued 22 press releases or media posts publicizing Commission and Advisory Committee reports or other publications.

	FY 2019 Target	FY 2019 Results
Strategy B.2.2 - Increase access to Commission briefings, hearings, and business meetings		
B.2.2.1 - The Commission will use technology, including live streaming, phone lines, and social media, to provide immediate public access to its meetings, briefings, publications, and other activities.	2 live streamed events	Met

Performance Measure B.2.2.1

The Commission uses technology to provide the public with access to its meetings, briefings, publications, and other activities. During FY 2019, the Commission live streamed its six in-person business meeting and three briefings. The public can view the video for these events following website: <https://www.youtube.com/user/USCCR>. The Commission also provides a call-in line for individuals who desire to listen to the Commission’s telephonic business meetings. In FY 2019, the Commission held seven telephonic business meetings. The Commission advises the public of its meetings and briefings through its web page, press releases, Twitter, and Facebook.

Strategy B.2.3 - Inform the Advisory Committees of activities by headquarters and of other Advisory Committees in different regions	FY 2019 Target	FY 2019 Results
B.2.3.1 - Ensure a regular update to Advisory Committees of activities by headquarters as well as the other Advisory Committees	Quarterly newsletter	Met

Performance Measure B.2.3.1

The Commission issued four quarterly newsletters to its State Advisory Committees.

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

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

Strategy B.3.1 - Expand the opportunities for the Chair or other designated spokesperson to speak directly to the public on civil rights issues	FY 2019 Target	FY 2019 Results
B.3.1.1 - Ensure that the Chair or other designated spokesperson speaks directly to the public about civil rights	2 speaking engagements with national reach in the fiscal year	Met

Performance Measure B.3.1.1

In Fiscal Year 2019, Chair Catherine E. Lhamon, Commissioner Karen Narasaki, and Staff Director Mauro Morales spoke directly to the public about civil rights.

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

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

Chair Lhamon has also participated in extensive media outreach in order to reach a broader audience with the American public. This outreach includes interviews with the following national press outlets about the Commission's work: Baltimore Sun, Bloomberg Law, BuzzFeed, Chicago Tribune, LA Times, Mother Jones, New York Times, NPR Atlanta, Politico, Tampa Bay Times, The 74, U.S. News and World Report, Vice News, Wall Street Journal, and Washington Post.

The Chair has also communicated directly with the Commission's State Advisory Committees through email correspondence, phone calls, appearing by video or phone at some Committee meetings, and attending Committee briefings in-person. She has also met with several State Advisory Committee members while attending speaking engagements around the country, and when members have visited the Commission's headquarters in DC.

SAC Meetings:

- Washington SAC, 10/5/2018
- Pennsylvania SAC, 10/9/2018
- Arizona SAC, 10/18/2018
- Oklahoma SAC, 10/23/2018
- Kansas SAC, 10/30/2018
- Utah SAC, 11/16/2018
- Indiana SAC, 12/6/2018
- North Dakota SAC, 12/18/2018
- Texas SAC (webinar), 4/18/2019
- SAC Member Orientation, 8/9/2019
- SAC Member Orientation, 9/13/2019

The Chair spoke at the following gatherings:

October 1, 2018: YWCA Survey Release (Washington, DC)

Chair Lhamon addressed other civil rights advocates and members of the press about recent data released by the YWCA reflecting high rates of discrimination; Chair Lhamon shared Commission activity that would address the data. The audience included approximately 30 attendees.

October 2, 2018: ILEA Initiative Launch and Regional Outcomes Report Release (Chicago, IL)

Chair Lhamon addressed Chicago-area college presidents, Illinois state elected officials, local civil rights and community advocates, college access and success program leaders, and philanthropic leaders about the Commission's work on education equality and access to higher education. The audience included approximately 150 attendees.

October 22, 2018: Montgomery County NAACP (Montgomery County, MD)

Chair Lhamon addressed the NAACP MC Parents' Council, and spoke about the Commission's work on equal access to education as well as upcoming work on school discipline policies. The event included over 500 parents, school administrators, teachers, education advocates, and community leaders.

November 15, 2018: Release of Commission report, *Police Use of Force: An Examination of Modern Policing Practices* (Washington, DC)

Chair Lhamon conducted a press call and stakeholder call to discuss the release of the Commission's report and the Commission's key findings and recommendations. In addition to these calls, reporters from the Baltimore Sun, Chicago Tribune, ProPublica, and the Washington Post and interviewed Chair Lhamon and published articles about the report.

November 17, 2018: 50 Years Later (San Antonio, TX)

Chair Lhamon presented a keynote address at the University of our Lady of Lake on the 50th Anniversary of Commission Hearings in San Antonio, commemorating the hearings held by the Commission and Texas Advisory Committee about the civil rights of Mexican Americans, in 1968. The audience included approximately 150 community leaders, civil rights advocates, and other attendees.

Staff Director Mauro Morales also spoke at the conference, speaking on a panel about voting rights. The audience included approximately 80 community leaders, civil rights advocates, and other attendees.

December 5, 2018: Bending the Arc: Civil Rights in 2018 (Minneapolis, MN)

Chair Lhamon led a workshop at the Minnesota Department of Human Rights' 2018 Human Rights Symposium to discuss the Commission's recent and upcoming work to assure civil rights protections for all. The audience included approximately 60 state and local officials, community leaders, civil rights advocates, and other attendees.

December 5, 2018: Diversion Committee presentation (Minneapolis, MN)

Chair Lhamon presented to Minnesota's Diversion Committee, comprised of representatives from schools with whom the Minnesota Department of Human Rights has settlement agreements based on their disproportionality in discipline for students of color and students with disabilities. The audience included approximately 60 attendees.

December 20, 2018: Release of Commission report, *Broken Promises: Continuing Federal Funding Shortfall for Native Americans* (Washington, DC)

Chair Lhamon conducted a press call and stakeholder call to discuss the release of the Commission's report and the Commission's key findings and recommendations. In addition to these calls, reporters from the Associated Press and Honolulu Star Advertiser interviewed Chair Lhamon and published articles about the report.

March 12, 2019: Testimony at Hearing on the History and Enforcement of the Voting Rights Act of 1965 (Washington, DC)

Chair Lhamon testified to the House Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Civil Liberties about the Commission's recent work on voting rights, specifically the Commission's 2018 report, titled *An Assessment of Minority Voting Rights Access in the United States*. Chair Lhamon submitted the Commission's report, as well as the voting rights reports of 13 Advisory Committees to the Commission, for the hearing record.

March 19, 2019: AUCD Annual Gala (Washington, DC)

Chair Lhamon provided keynote remarks about the Commission's recent and upcoming work on the civil rights of people with disabilities. The audience included approximately 150 attendees, including disability rights advocates, state and federal officials, and community leaders.

March 22, 2019: National People of Color Legal Scholarship Conference, Plenary Keynote Panel (Washington, DC)

Chair Lhamon participated in a keynote conversation about the current state of civil rights and the Commission's recent work to lift up critical civil rights issues. The audience included approximately 200 legal scholars, law students, and other civil rights leaders.

April 2, 2019: 2019 Annual Tribal Self-Governance Consultation Conference (Traverse City, MI)

With Chair Lhamon's proxy, Commissioner Narasaki spoke on behalf of the Commission about the Commission's report on Native American sovereignty and federal funding at a conference hosted by the Self-Governance Communication and Education Tribal Consortium and the Indian Health Service Tribal Self-Governance Advisory Committee. The audience included approximately 350 self-governance tribal leaders and staff, coordinators, advocates, and Federal partners (mostly from the Department of the Interior and the Indian Health Service).

April 7, 2019: AERA Panel: Resisting Resegregation (Toronto, Canada)

Chair Lhamon participated in a panel about the Commission's report on education equality, titled *Public Education Funding Inequity in an Era of Increasing Concentration of Poverty and Resegregation*. The audience included approximately 50 education scholars, advocates, and other community leaders.

April 13, 2019: Voter Turnout and Engagement – A Review of the 2018 Midterm Elections and Beyond

Staff Director Morales spoke on a panel sponsored by the ABA Commission on Racial and Ethnic Diversity in the Profession and the ABA Section on State and Local Government Law. The audience included approximately 40 attorneys and civil rights advocates.

May 23, 2019: National Council on Health Care for the Homeless (Washington, DC)

Chair Lhamon keynoted the annual conference of the National Council on Health Care for the Homeless, sharing information from the Commission's work about housing and health care access. The audience included approximately 250 local civil rights and health officials, hospital administrators, community leaders, and other advocates.

June 2, 2019: Anti-Defamation League Summit (Washington, DC)

Chair Lhamon addressed other civil rights advocates about civil rights broadly in the current era, addressing the Commission's recently released reports as well as past and upcoming briefings, highlighting how ADL members could participate in upcoming Commission activity. The audience included approximately 100 civil rights advocates and community leaders from across the country.

June 5, 2019: Policy Solutions to Broken Promises (Washington, DC)

At the invitation of Congressman Derek Kilmer, Chair Lhamon and Commission Narasaki spoke alongside Members of Congress, representatives from key federal agencies, the National Congress of American Indians, and several tribal leaders about the Commission's report on sovereignty and federal funding for Native Americans. The audience included approximately 80 Congressional staffers and civil rights advocates.

June 11, 2019: Society of American Indian Government Employees (Seneca, NY)

With Chair Lhamon's proxy, Commissioner Narasaki spoke on behalf of the Commission about the Commission's report on Native American sovereignty and federal funding. The audience included approximately 350 Federal employees and other community leaders.

June 13, 2019: Release of Commission report, *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities* (Washington, DC)

Chair Lhamon conducted a press call and stakeholder call to discuss the release of the Commission's report and the Commission's key findings and recommendations. In addition to these calls, a reporter from the Tampa Bay Times interviewed Chair Lhamon and published an article about the report.

July 23, 2019: Release of Commission report, *Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities* (Washington, DC)

Chair Lhamon conducted a press call and stakeholder call to discuss the release of the Commission's report and the Commission's key findings and recommendations. In addition to these calls, reporters from Politico, The 74, U.S. News and World Report, and the Washington Post interviewed Chair Lhamon and published articles about the report.

August 18, 2019: International Association of Official Human Rights Agencies (Orlando, FL)

Staff Director Mauro Morales spoke at the IAOHRA Conference, providing keynote remarks at the welcome reception and opening panel of the conference. The audience included approximately 80 state and local human rights officials and other civil rights advocates.

September 17, 2019: National Indian Health Board (Temecula, CA)

Chair Lhamon presented keynote remarks at the National Tribal Health Conference, discussing the Commission's report on sovereignty and federal funding for Native Americans. The audience included approximately 300 Tribal leaders, Tribal health directors, health providers, employees of the Indian Health system, federal partners, urban Indian health providers, and non-profit stakeholders.

September 25, 2019: Protecting Civil Rights in a Modern Age: The Role of the U.S. Commission on Civil Rights (Washington, DC)

At the invitation of House Judiciary Chair Jerrold Nadler, Chair Lhamon provided introductory remarks about recent and upcoming work about the Commission, and moderated a panel consisting of Connie Morella, Former U.S. Representative for Maryland's 8th District and former U.S. Ambassador to the Organization for Economic Co-operation and Development (OECD); David McGuire: Executive Director of the ACLU of Connecticut and Chair of Connecticut Advisory Committee to the U.S. Commission on Civil Rights; Susan Bro: Mother of Heather Heyer, civil rights activist, and Executive Director of the Heather Heyer Foundation; and Marty Castro: Former Chair, U.S. Commission on Civil Rights. Congressman Derek Kilmer and Congresswoman Deb Haaland also gave opening remarks.

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

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

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

The Commission plans to achieve this objective by using the following strategies: 1) align the Commission’s budget submissions with the Agency’s strategic plan and annual performance plan; 2) monitor and report on the Commission’s progress in achieving its annual performance plan goals and objectives; 3) update and implement the Commission’s Human Capital Plan to ensure the agency has a highly skilled and flexible workforce to carry out its mission; and 4) conduct and analyze Employee Satisfaction surveys and develop specific strategies to address issues.

Strategy C.1.1 - Align the Commission’s budget submissions with the Agency’s strategic plan and annual performance plan.	FY 2019 Target	FY 2019 Results
C.1.1.1 - Compliance with OMB Circular A-11.	Budget is compliant with OMB Circular A-11	Met

Performance Measure C.1.1.1

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

Strategy C.1.2 - Monitor and report on the Commission’s progress in achieving its annual performance plan goals and objectives.	FY 2019 Target	FY 2019 Results
C.1.2.1 - Submit a Performance and Accountability Report that adheres to all relevant guidance.	PAR adheres to relevant guidance.	Met

Performance Measure C.1.2.1

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

Strategy C.1.3 - Update and implement the Commission’s Human Capital Plan to ensure the agency has a highly skilled and flexible workforce to carry out its mission.	FY 2019 Target	FY 2019 Results
C.1.3.1 - Implementation of Commission’s and Office of Personnel Management’s Human Capital Plan program, strategies, and initiatives.	Implement Human Capital Plan	Met

Performance Measure C.1.3.1

The Commission continues to implement its Human Capital Plan.

Strategy C.1.4 - Conduct and analyze Employee Satisfaction surveys and develop specific strategies to address issues.	FY 2019 Target	FY 2019 Results
C.1.4.1 - Results of the Employee Satisfaction surveys	Increase response rate in one or more categories	Met

Performance Measure C.1.4.1

The Federal Employee Viewpoint Survey (FEVS) is a tool that measures employees' perceptions of whether, and to what extent, conditions characterizing successful organizations are present in their agencies. It allows the Commission’s employees to share their opinions about what matters most to them, and gives them the opportunity to let their leadership know how they feel about their job, their supervisor, and their agency. The Commission showed the largest increase in four categories.

Questions	2018	2019	Increase
Q64: My supervisor is committed to a workforce representative of all segments of society.	56%	100%	44%
Q27: The skill level in my work unit has improved in the past year.	43%	78%	35%
Q70: Considering everything, how satisfied are you with your pay?	32%	63%	31%
Q47: Supervisors in my work unit support employee development.	56%	84%	28%

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

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

Strategy C.2.1 - Comply with federal information security requirements	FY 2019 Target	FY 2019 Results
C.2.1.1 - Conduct an annual FISMA Audit	FISMA Audit	Met

Performance Measure C.1.2.1

The Commission conducted its annual FISMA Audit.

Strategy C.2.2 - Leverage information technology to enhance the productivity and efficiency of the workforce.	FY 2019 Target	FY 2019 Results
C.2.2.1 - Compliance with OMB Cloud Computing initiatives.	Compliant with Cloud Computer Initiatives	Met

Performance Measure C.2.2.1

The Commission is compliant with OMB Cloud Computing initiatives.

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

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

Strategy C.3.1 - Improve organization structure and reduce real property inventory.	FY 2019 Target	FY 2019 Results
C.3.1.1 - Implement Agency Reform Plan by FY 2020.	Achieve Agency Report Plan milestones as outline in the approve schedule.	Met

Performance Measure C.3.1.1

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

Other Information Related to Annual Performance Reporting

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

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

AUDITORS REPORT AND FINANCIAL STATEMENTS

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

Auditor's Report, Financial Statements & Notes

CCR – 2019 Financial Statement Audit
Contract: CR90-0025

Commission on Civil Rights (CCR)
Fiscal Year 2019 Financial Statement Audit

Final Independent Auditors' Report

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

Submitted by:
Jason L. Allmond CPA, CGFM, CISA, CISM
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Final Independent Auditors' Report
Prepared under contract to the Commission on Civil Rights (CCR) to provide financial auditing services



Independent Auditors' Report

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

Report on the Financial Statements

We have audited the accompanying financial statements of the U.S. Commission on Civil Rights, which comprise the balance sheets as of September 30, 2019 and 2018; the related statements of net cost, changes in net position, and budgetary resources for the fiscal years ended; and the related notes to the financial statements (hereinafter referred to as the financial statements).

Management's Responsibility for the Financial Statements

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

Auditor's Responsibility

Our responsibility is to express an opinion on the fiscal years 2019 and 2018 financial statements of CCR based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States; and the Office of Management and Budget (OMB) Bulletin No. 19-03, *Audit Requirements for Federal Financial Statements*. Those standards and OMB Bulletin No. 19-03 require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

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

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

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

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the U.S. Commission on Civil Rights as of September 30, 2019 and 2018, and its net cost of operations, changes in net position, and budgetary resources for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters*Required Supplementary Information*

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

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

In planning and performing our audit of CCR's financial statements as of and for the year ended September 30, 2019, in accordance with generally accepted government auditing standards, we considered CCR's internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of CCR's internal control over financial reporting. Accordingly, we do not express an opinion on CCR's internal controls over financial reporting. We limited internal control testing to those necessary to achieve the objectives described in OMB Bulletin No. 19-03. We did not test all internal control relevant to operating objectives as broadly defined by the Federal Managers' Financial Integrity Act of 1982.

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

Our consideration of internal control over financial reporting was for the limited purpose as described in the first paragraph of this section, and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies and therefore material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our fiscal year 2019 audit we did not identify any deficiencies in internal control over financial reporting that we considered to be a material weakness, as defined above. However, material weaknesses may exist that have not been identified.

Exhibit I presents the status of prior year findings and recommendations.

The following table provides the fiscal year (FY) 2019 status of all recommendations included in the Audit Report on the Commission on Civil Rights FY 2018 Financial Statements (November 15, 2018).

FY 2018 Finding	FY 2018 Recommendation	FY 2019 Status
Lack of Sufficient Internal Control over Financial Reporting for Undelivered Orders	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. The Commission management enhances current review process, by working with its service provider to ensure all transactions are recorded completely, accurately and in compliance with the USSGL. 2. The Commission with the assistance of its service provider design and implement a policy and procedure to identify on a quarterly basis upward adjustments and downward adjustments that should not be recorded to the general ledger so that adjustments can be recorded to properly state ending balances. 3. The Commission design and implement a policy and procedure to ensure that payments are liquidated against the correct purchase orders. 4. The Commission with assistance of its service provider design and implement a policy and procedures to reconcile the UDO balance with the supporting documentation and make any necessary adjustments to Pegasys in a timely manner. 	Closed
Differences between the Financial Statements and GTAS Submission	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. We recommend that the Commission develop and implement policies and procedures to ensure that the on-top adjustments are recorded in the general ledger and agree to the balances in GTAS. 	Closed
Lack of Compliance with Provisions of the Prompt Payment Act	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. We recommend that the Commission management review the payments subjected to the Prompt Payment Act made by its service provider to monitor the timeliness and accuracy of the interest amounts paid to vendors. As well as forward a copy of vendor invoices to its service provider within five business days of receipt and acceptance of the invoice. 	Closed

UNITED STATES COMMISSION ON CIVIL RIGHTS

Fiscal Year 2019
Financial Statements



UNITED STATES COMMISSION ON CIVIL RIGHTS

BALANCE SHEET

As of September 30, 2019 and 2018

(Dollars)

	2019	2018
Assets:		
Intragovernmental:		
Fund Balance With Treasury	(Note 2) \$ 1,756,751	\$ 2,055,767
Total Intragovernmental	<u>1,756,751</u>	<u>2,055,767</u>
Assets With The Public:		
Accounts Receivable, net	(Note 3) \$ 1,034	\$ 2,496
General Property, Plant and Equipment, net	(Note 4) 54,063	28,096
Total Assets	<u>\$ 1,811,848</u>	<u>\$ 2,086,359</u>
Liabilities:	(Note 5)	
Intragovernmental:		
Accounts Payable	\$ 51,449	\$ 48,482
Other:	(Note 6)	
Employer Contributions and Payroll Taxes Payable	<u>55,327</u>	<u>44,484</u>
Total Intragovernmental	<u>106,776</u>	<u>92,966</u>
Accounts Payable	\$ 89,836	\$ 167,441
Other:	(Note 6)	
Accrued Funded Payroll and Leave	242,296	178,311
Employee Contributions and Payroll Taxes Payable	8,999	7,285
Unfunded Leave	<u>431,296</u>	<u>347,505</u>
Total Liabilities	<u>\$ 879,203</u>	<u>\$ 793,508</u>
Net Position:		
Unexpended Appropriations - All Other Funds	\$ 1,308,843	\$ 1,609,763
Cumulative Results of Operations - All Other Funds	<u>(376,199)</u>	<u>(316,912)</u>
Total Net Position	<u>932,644</u>	<u>1,292,851</u>
Total Liabilities and Net Position	<u>\$ 1,811,848</u>	<u>\$ 2,086,359</u>

The accompanying notes are an integral part of these statements.

UNITED STATES COMMISSION ON CIVIL RIGHTS
STATEMENT OF NET COST
As of September 30, 2019 and 2018
(Dollars)

	2019	2018
Program Costs:		
Gross Cost	\$ 10,356,173	\$ 9,884,390
Net Program Cost	<u>10,356,173</u>	<u>9,884,390</u>
Net Cost of Operations	<u>\$ 10,356,173</u>	<u>\$ 9,884,390</u>

The accompanying notes are an integral part of these statements.

UNITED STATES COMMISSION ON CIVIL RIGHTS
STATEMENT OF BUDGETARY RESOURCES
As of September 30, 2019 and 2018
(Dollars)

	2019	2018
BUDGETARY RESOURCES		
Unobligated Balance from prior year budget authority, net (discretionary and mandatory)	\$ 737,551	\$ 1,021,544
Appropriations (discretionary and mandatory)	<u>10,065,000</u>	<u>9,700,000</u>
Total budgetary resources	<u>\$ 10,802,551</u>	<u>\$ 10,721,544</u>
STATUS OF BUDGETARY RESOURCES		
New obligations and upward adjustments (Note 8)	\$ 10,033,604	\$ 9,766,785
Unobligated balance, end of year		
Unobligated balance, end of year: Apportioned, unexpired account	119,797	82,867
Expired unobligated balance, end of year	<u>\$ 649,150</u>	<u>\$ 871,892</u>
Unobligated balance, end of year	<u>768,947</u>	<u>954,759</u>
Total budgetary resources	<u>\$ 10,802,551</u>	<u>\$ 10,721,544</u>
OUTLAYS, NET		
Outlays, net (total) (discretionary and mandatory)	\$ 9,919,336	\$ 9,566,866
Agency outlays, net (discretionary and mandatory)	<u>\$ 9,919,336</u>	<u>\$ 9,566,866</u>

The accompanying notes are an integral part of these statements.

UNITED STATES COMMISSION ON CIVIL RIGHTS
STATEMENT OF CHANGES IN NET POSITION
As of September 30, 2019 and 2018
(Dollars)

	2019	2018
Unexpended Appropriations:		
Beginning Balances	\$ <u>1,609,763</u>	\$ <u>2,068,131</u>
Budgetary Financing Sources:		
Appropriations received	\$ 10,065,000	\$ 9,700,000
Other adjustments	(444,680)	(666,373)
Appropriations used	<u>(9,921,240)</u>	<u>(9,491,995)</u>
Total Budgetary Financing Sources	<u>(300,920)</u>	<u>(458,368)</u>
Total Unexpended Appropriations	<u>\$ 1,308,843</u>	<u>\$ 1,609,763</u>
Cumulative Results of Operations:		
Beginning Balances	\$ (316,912)	\$ (244,917)
Beginning Balances - adjustments	<u>\$ (1)</u>	<u>\$ -</u>
Beginning Balances, as adjusted	\$ (316,913)	\$ (244,917)
Budgetary Financing Sources:		
Appropriations used	<u>9,921,240</u>	<u>9,491,995</u>
Other Financing Sources (Non-Exchange):		
Imputed Financing Sources (Note 9)	<u>375,647</u>	<u>320,400</u>
Total Financing Sources	<u>10,296,887</u>	<u>9,812,395</u>
Net Cost of Operations	<u>(10,356,173)</u>	<u>(9,884,390)</u>
Net Change	<u>(59,286)</u>	<u>(71,995)</u>
Cumulative Results of Operations	<u>(376,199)</u>	<u>(316,912)</u>
Net Position	<u>\$ 932,643</u>	<u>\$ 1,292,851</u>

The accompanying notes are an integral part of these statements.

U.S. COMMISSION ON CIVIL RIGHTS GENERAL FUND

GENERAL FUND

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

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

Basis of Presentation

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

OMB Circular No. A-136 requires agencies to prepare basic statements, which include a balance sheet, statement of net cost, statement of changes in net position and a statement of budgetary resources. The balance sheets present, as of September 30, 2019 and 2018, amounts of future economic benefits owned or managed by the Commission (assets), amounts owed by the Commission (liabilities), and amounts which comprise the difference (net position). The statements of net cost report the full cost of the program, both direct and indirect costs of the output, and the costs of identifiable supporting services provided by other segments within the Commission. The statement of budgetary resources reports the Commission's budgetary activity.

Basis of Accounting

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

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

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

Use of Estimates

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

Fund Balance with Treasury

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

General Property and Equipment

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

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

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

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

Liabilities

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

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

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

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

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Accounts Payable

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

Accrued Payroll and Benefits

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

Revenue and Financing Sources

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

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

Federal Employee Benefits

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

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

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

NOTE 2 FUND BALANCE WITH TREASURY

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

	2019	2018
1. Status of Fund Balance with Treasury		
1) Unobligated Balance		
a) Available	119,797	82,867
b) Unavailable	649,150	871,892
2) Obligated Balance not yet Disbursed	<u>987,804</u>	<u>1,101,008</u>
Total	<u>\$ 1,756,751</u>	<u>\$ 2,055,767</u>

In fiscal year 2019, the Commission cancelled its fiscal 2014 remaining funds and returned the balance of \$444,680 to the Treasury.

NOTE 3 ACCOUNTS RECEIVABLE, NET

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

	2019	2018
Gross Receivables	\$ 1,034	\$ 2,496
Allowance for Uncollectible Accounts	<u>-</u>	<u>-</u>
Account Receivables, Net	\$ 1,034	\$ -

NOTE 4 GENERAL PROPERTY, PLANT AND EQUIPMENT

Property and equipment consisted of the following at September 30:

	2019	2018
Equipment	\$ 325,634	\$ 293,070
Internal-Use-Software	<u>7,684</u>	<u>7,684</u>
Total	\$ 333,318	\$ 300,754

Less: Accumulated depreciation		
Equipment	271,571	264,974
Internal-Use-Software	<u>7,684</u>	<u>7,684</u>
Total	\$ 279,255	\$ 272,658

Property and Equipment Net \$ 54,063 \$ 28,096

Depreciation and amortization expense for the fiscal years ended September 30, 2019 and 2018 was \$31,677 and \$51,983, respectively.

NOTE 5 LIABILITIES NOT COVERED BY BUDGETARY RESOURCES

Liabilities of the Commission are classified as liabilities covered or not covered by budgetary resources. As of September 30, 2019, the Commission had liabilities covered by budgetary resources of \$447,907 and liabilities not covered by budgetary resources of \$431,296. As of September 30, 2018, the Commission had liabilities covered by budgetary resources of \$446,003 and liabilities not covered by budgetary resources of \$347,505.

	2019	2018
Intragovernmental		
Accounts Payable	\$ 51,449	\$ 48,482
Other:		
Employer Contributions and Payroll Taxes	<u>55,327</u>	<u>44,484</u>
Total Intragovernmental	\$ 106,776	\$ 92,966
Accounts Payable	89,836	167,441
Accrued Funded Payroll and Leave	242,296	178,311
Employer Contributions	8,999	7,285
Unfunded Leave	<u>431,296</u>	<u>347,505</u>
Total Liabilities	\$ 879,203	\$ 793,508
 Total Liabilities covered by budgetary resources	 \$ 447,907	 \$ 446,003
 Total Liabilities not covered by budgetary resources	 <u>431,296</u>	 <u>347,505</u>
Total Liabilities	\$ 879,203	\$ 793,508

NOTE 6 OTHER LIABILITIES -

Other liabilities with the public for the years ended September 30, 2019 and 2018 consist of Employer Contributions and Payroll Taxes, Accrued Funded Payroll and Unfunded Leave in the amounts shown below.

	Non-Current	Current	2019 Total
Intragovernmental			
Employer Contributions and Payroll Taxes	\$ -	<u>\$ 55,327</u>	<u>\$ 55,327</u>
Total Intragovernmental	-	55,327	55,327
Other Liabilities			
Accrued Funded Payroll and Leave	\$ -	242,296	\$ 242,296
Unfunded Leave	431,296	-	431,296
Employer Contributions	<u>0</u>	<u>8,999</u>	<u>8,999</u>
Total Other Liabilities	\$ 431,296	\$ 306,622	\$ 737,918
	Non-Current	Current	2018 Total
Intragovernmental			
Employer Contributions and Payroll Taxes	\$ -	<u>\$ 44,484</u>	<u>\$ 44,484</u>
Total Intragovernmental	-	44,484	44,484
Other Liabilities			
Accrued Funded Payroll and Leave	\$ -	178,311	\$ 178,311
Unfunded Leave	347,505	-	347,505
Employer Contributions	<u>0</u>	<u>7,285</u>	<u>7,285</u>
Total Other Liabilities	\$ 347,505	\$ 230,080	\$ 577,585

NOTE 7 OPERATING LEASES

The Commission has various Federal leases for offices and branches throughout the United States. The longest of those obligations extends through 2028. Certain leases contain renewal options and escalation clauses. No leases include restrictions on the Commission's activities. The aggregate rent expense totaled \$1,456,676 and \$1,452,406 for 2019 and 2018 as of September 30, 2019 and 2018, respectively. Future minimum rent payments for the fiscal years ended September 30, are as follows:

2020	\$	1,422,854
2021		1,440,486
2022		1,033,524
2023		135,335
2024		123,488
Thereafter		<u>325,075</u>
Total	\$	4,480,762

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

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

		2019		2018
Category A	\$	10,033,604	\$	9,766,785

NOTE 9 UNDELIVERED ORDERS AT THE END OF THE PERIOD

The amount of budgetary resources obligated for undelivered orders was \$539,896 and \$655,004 as of September 30, 2019 and 2018 respectively.

	Paid	Unpaid	Total 2019
FY 2019 Undelivered Orders			
Federal	\$ -	\$ 53,443	\$ 53,443
Non-Federal	-	<u>486,453</u>	<u>486,453</u>
Total Undelivered Orders	\$ -	\$ 539,896	\$ 539,896
	Paid	Unpaid	Total 2018
FY 2018 Undelivered Orders			
Federal	\$ -	47,448	\$ 47,448

Non-Federal		<u>0</u>	607,556	<u>607,556</u>
Total Undelivered Orders	\$	-	\$ 655,004	\$ 655,004

NOTE 10 INTER-ENTITY COSTS

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

The Commission recognizes as imputed financing, the cost of future benefits, which include health benefits, life insurance, pensions, and post-retirement benefit expense for current employees. The assets and liabilities associated with such benefits are the responsibility of the administering agency, OPM. For the fiscal years ended September 30, 2019 and 2018, imputed financing was as follows:

	2019	2018
Office of Personnel Management	\$ 375,647	\$ 320,400

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

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

Concepts for Reconciling Budgetary and Financial Accounting, requires an explanation of material differences between budgetary resources available, the status of those resources and outlays as presented in the Statement of Budgetary Resources to the related actual balances published in the Budget of the United States Government (Budget). The Budget that will include FY 2019 actual budgetary execution information is scheduled for publication in February 2020, which will be available through OMB's website at <http://www.whitehouse.gov/omb>. Accordingly, information required for such disclosure is not available at the time of publication of these financial statements. Balances reported in the FY 2018 SBR and the related President's Budget reflected the following:

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

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

NOTE 12 RECONCILIATION OF NET COST TO NEW OUTLAYS

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

	Intra-Governmental	With the Public	Total FY 2019
NET COST	3,816,290	6,539,883	10,356,173
Components of Net Cost That Are Not Part of Net Outlays:			-
Property, plan, and equipment depreciation		(31,677)	(31,677)
Increase/(decrease) in assets:			-
Accounts Receivable		(1,462)	(1,462)
(Increase)/Decrease in Liabilities not affecting Budget Outlays:			-
Accounts Payable	(2,967)	77,605	74,638
Salaries and benefits	(10,843)	(65,699)	(76,542)

Other liabilities (Unfunded leave, unfunded FECA, actuarial FECA)		(83,791)	(83,791)
Other financing sources			-
Federal employee retirement benefit costs paid by OPM and imputed to agency	(375,647)		(375,647)
Total Components of Net Cost That Are Not Part of Net Outlays	(389,457)	(105,024)	(494,481)
Components of the Budget Outlays That Are Not Part of Net Operating Cost			
Acquisition of capital assets		57,644	57,644
Total Components of the Budgetary Outlays That Are Not Part of Net Operating Cost	-	57,644	57,644
NET OUTLAYS	3,426,833	6,492,503	9,919,336

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

The Unobligated Balance Brought Forward from the prior fiscal year has been adjusted for recoveries of prior year paid and unpaid obligations and other changes such as canceled authority. The Adjustments to Unobligated Balance Brought Forward, October 1, as of September 30, 2019, and 2018, consisted of the following:

	2019	2018
Unobligated Balance Brought Forward, October 1	\$ 954,759	\$ 1,487,197
Recoveries of Prior Year Obligations	\$ 227,472	\$ 200,720
Other Changes in Unobligated Balances	<u>(444,680)</u>	<u>(666,373)</u>
Unobligated Balance From Prior Year Budget Authority, Net	\$ 737,551	\$ 1,021,544

OTHER ACCOMPANYING INFORMATION

Summary of Financial Statement Audit and Management Assurances

Summary of Financial Statement Audit

Audit Opinion: Unmodified
 Restatement: No

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

Summary of Management Assurances

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

Statement of Assurance: Unmodified

Material Weaknesses	Beginning Balance	New	Resolved	Consolidated	Reassessed	Ending Balance
Total Material Weaknesses	1	0	1	0	0	0

Effectiveness of Internal Control over Operations - FMFIA 2

Statement of Assurance: Unmodified

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

Conformance with Financial Management System Requirements - FMFIA 4

Statement of Assurance: Systems Conform

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

Improper Payments Information Act Reporting Details

The Improper Payments Information Act (IPIA) of 2002, as amended by the Improper Payments Elimination and Recovery Act (IPERA) of 2010, requires agencies to review all programs and activities they administer, and identify those programs that are susceptible to significant erroneous payments. Significant erroneous payments are defined as annual erroneous payments in the program exceeding both \$10 million and 2.5 percent or \$100 million of total annual program payments.

Risk Assessment

Due to the Commission's mission and size, the Commission does not separate its mission into individual programs. We conducted a risk assessment for all relevant payments. The Commission evaluated the following risk factors: whether the program or activity was new to the agency; the complexity of the program; the volume of payments; how eligibility decisions are made; recent major changes in funding, authorities, practices, and procedures; the level and experience of personnel; and significant deficiencies in audit reports. The risk assessment determined that the risk of significant improper payments was low. Furthermore, since the Commission's total budget is only \$10,065,000 million threshold for significant improper payments, it is virtually impossible for the Commission to have improper payments over \$10 million. Based on the risk assessment, we determined that the Commission does not have significant improper payments.

Payment Recapture Audits

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

Improper Payment Reporting

The Commission did not have an improper payment in Fiscal Year 2019.