

GAO

Report to the Chairman, Subcommittee
on Civil and Constitutional Rights,
Committee on the Judiciary, House of
Representatives

August 1994

COMMISSION ON
CIVIL RIGHTS

Commissioners' Travel
Activities



General Government Division

B-256976

August 8, 1994

The Honorable Don Edwards
Chairman, Subcommittee on Civil
and Constitutional Rights
Committee on the Judiciary
House of Representatives

Dear Mr. Chairman:

This report is in response to your request that we determine, for the period from fiscal year 1992 through February 1994, whether (1) Commission on Civil Rights' Commissioners had filed timely travel vouchers and if not, whether there were any adverse effects to the government; (2) the Commission verified that Commissioners' use of government contractor-issued charge cards was for official travel purposes; and (3) the statutory limitation on Commissioners' billable workdays and the statutory prohibition against the Commission accepting voluntary services effectively placed a limit on Commissioners' travel.

Results in Brief

As of March 31, 1994, 6 of the 10 Commissioners who were provided airline and train tickets during fiscal year 1992 to February 1994 had filed all required vouchers.¹ In total, 139 vouchers for 199 trips were filed. One Commissioner had not filed 57 vouchers, while 2 other Commissioners each had not filed 1 voucher. The Commission was reviewing the need for a voucher for another scheduled trip, which had been cancelled. Of the 139 vouchers that had been filed, we could not determine the timeliness of 23 because they did not contain the dates needed to make this determination. However, of the 116 vouchers for which we could make the determination, 81 were filed within 30 days after the trip as required by federal and agency travel regulations. The remaining 35 vouchers were filed from 33 to 182 days after the trip had been completed.

Commissioners' failure to submit travel vouchers in a timely manner has caused the Commission to increase budgetary adjustments at the end of fiscal years. The adjustments required the Commission to record additional obligations to cover future payment of outstanding travel vouchers. The failure to file vouchers could also lead to violations of the Antideficiency Act and the bona fide needs rule. Under this rule, fiscal year appropriations may be obligated only to meet the legitimate bona fide

¹Eight Commissioners are appointed to determine the policy direction for the Commission. During the period of our review, 11 different individuals served as Commissioners. One of the 11 Commissioners did not receive travel tickets.

needs of the fiscal year for which the appropriation was made. Thus, temporary duty travel expenses must be charged to the appropriation for the fiscal year in which the travel occurred. If an agency lacks sufficient funds to cover outstanding travel vouchers for travel that occurs during a fiscal year, the agency would violate the Antideficiency Act. Further, payment of these vouchers from appropriations for later years would violate the bona fide needs rule. It will not be possible for us to determine if the Commission has violated the bona fide needs rule or the Antideficiency Act until the outstanding vouchers are filed and paid.

In its comments on a draft of this report on July 8, 1994, the Commission said it had received and approved some of the outstanding travel vouchers, and the results of its review indicated that neither the Antideficiency Act nor the bona fide needs rule will be violated by the final processing of these vouchers. Because all of the outstanding vouchers had not been filed and those that had been filed had not been completely processed, we could not verify that the Commission had sufficient funds for the appropriate fiscal year to cover these vouchers.

Outstanding travel vouchers can also result in the loss of funds in the form of reimbursements to the Commission. Fifteen of the 59 Commission-paid transportation tickets, for which vouchers had not been filed, valued at about \$6,800 appeared to be either (1) duplicate tickets issued for the same trip or (2) partially used tickets. While the Commission may be able to obtain refunds for these tickets, the longer vouchers and unused tickets are outstanding, the greater the risk that the Commission will not be reimbursed. According to an airline industry official we spoke to, tickets are valid for 1 year; after that time, individual airlines have the discretion whether to refund unused tickets. As of March 1994, 12 of the 15 tickets had been issued 12 months earlier. If the Commission is unable to obtain refunds for the 15 tickets, the Commissioner to whom the tickets were issued could be liable for the cost.

The Commission had not verified that employee use of the government contractor-issued charge cards was limited to official travel purposes. In April 1993, the Commission told its staff that it would review future monthly reports available from the government contractor that list transactions for individual cardholders.

In our opinion, the appropriations limitation on Commissioners' billable workdays and the statutory prohibition against the Commission accepting volunteer services do not limit the amount of travel reimbursement

Commissioners can receive. As long as a Commissioner is performing authorized Commission business, he or she is entitled to travel reimbursement. Also, the billable workday limitation does not limit the number of days the Commissioners can work in a year, only the number of days for which they can be paid. Further, we believe that the statutory prohibition against acceptance of volunteer services does not apply to the Commissioners.

Background

The Commission, established in 1957, is a fact-finding federal agency required to report on civil rights protection and issues. Eight Commissioners, four appointed by the president and four appointed by Congress, are to determine the policy direction for the agency. A staff director for the Commission is responsible for the administration of the Commission's day-to-day operations. The Commission's current authority expires at the end of fiscal year 1994.

The Commission, the U.S. Department of Agriculture's (USDA) National Finance Center (NFC), and Omega World Travel performed some elements of the Commission's travel function during the period covered in our audit. In 1987, the Commission entered into an agreement with USDA whereby NFC would provide financial management services for payroll/personnel; administrative payments, including those for travel; billing and collection; property management information; and central accounting services.

Almost all federal agencies now use contractors to make their travel arrangements. Since these contractors receive commissions from airlines and other service providers, there is no direct cost to the government for their services. Omega World Travel is the Commission's contractor and is responsible for obtaining Commission transportation tickets. Omega bills American Express for the tickets. American Express is under contract with the General Services Administration (GSA) to provide charge cards to government employees for official travel use.² The Commission, through NFC, subsequently reimburses American Express directly for the tickets, regardless of whether travelers have filed travel vouchers for the tickets.

²GSA's contract with American Express became effective in fiscal year 1994. During fiscal years 1992 and 1993, Diners Club was the government contractor that issued charge cards to federal employees.

Each fiscal year, Commissioners are issued blanket travel authorizations for travel within the continental limits of the United States.³ The Commission's Staff Director approves the blanket authorizations, and the Commission Budget and Finance Division obligates the estimated annual travel funds for the fiscal year. During fiscal year 1993, Commission travel costs for all staff represented \$360,000 of the Commission's \$7.7 million budget. According to the Commission, \$30,964 of the \$360,000 in travel costs was for Commissioners' travel.

Commissioners used their blanket authorizations to obtain tickets from Omega. For individual trips, Omega either sent the tickets to the Commissioners or arranged for pickup at the airport. Commissioners are to use government contractor-issued charge cards to pay for other travel expenses, such as lodging, and obtain reimbursement from the Commission for these costs by submitting travel vouchers.

The Commission's Staff Director approves individual Commissioners' travel vouchers, and the Budget and Finance Division Chief and a Division staff member audit the vouchers. Following this audit, Commission staff electronically transmit voucher information to NFC, where it is subject to further audit. NFC subsequently pays the voucher.

Scope and Methodology

To respond to your request, we reviewed the Federal Travel Regulations and the Commission's travel regulations. We also reviewed Commissioners' travel authorizations and voucher files from fiscal year 1992 to February 1994. We interviewed the Commissioner with the most outstanding vouchers and officials and staff in the Commission's Office of Management and the Division of Budget and Finance.

To determine whether Commissioners had filed travel vouchers, we matched the Commission's payment records for transportation tickets with Commissioners' voucher files. From Omega, we also obtained a listing of returned transportation tickets for fiscal years 1992 and 1993 in order to determine whether planned travel had been subsequently cancelled—eliminating the need for a travel voucher.

We determined the timeliness of filed travel vouchers by calculating the number of days between the date travel ended and the date the Commission's Budget and Finance Division received the vouchers. We

³A Commissioner's usual place of residence is his or her official duty station. Under 42 U.S.C. 1975b, Commissioners performing work for the Commission are entitled to reimbursement for expenses of travel away from their usual places of residence.

were unable to make this determination on all vouchers, because some vouchers did not contain the necessary dates.

To determine whether untimely travel vouchers resulted in any adverse impact on budgetary procedures, we reviewed the Office of Management and Budget (OMB) Circular A-34, "Instructions on Budget Execution"; OMB Bulletin No. 91-07, "Budget Execution Procedures for Closing Accounts"; Title 7 of GAO Policy and Procedures Manual for Guidance of Federal Agencies; and statutory provisions in 31 U.S.C. 1341 and 31 U.S.C. 1502 that establish limits on the obligation of appropriated funds. We also contacted NFC for information on how the Commission dealt with outstanding travel vouchers at the end of fiscal years. We also obtained information from the Airline Reporting Corporation on airlines' timeliness restrictions on refunds for unused tickets.

To determine if the Commission verified whether use of government contractor-issued charge cards was for official purposes only, we interviewed Commission staff members and obtained information from American Express and Diners Club on reports that list transactions for individual charge cardholders.

We determined the possible impact of statutory limitations on the Commissioners' travel by reviewing 42 U.S.C. 1975, which limits the Commission's authority to accept voluntary services, and its legislative history.

We did our review from February to April 1994, in accordance with generally accepted government auditing standards. All of our work was done at the headquarters of the Commission on Civil Rights in Washington, D.C. On July 8, 1994, the Commission on Civil Rights provided written comments on a draft of this report, which are reproduced in appendix I.

Most Commissioners Filed Timely Travel Vouchers

As of March 31, 1994, 6 of the 10 Commissioners who were provided airline and train tickets during fiscal year 1992 to February 1994 had filed all required vouchers. In total, 139 vouchers for 199 trips were filed. One Commissioner had not filed 57 vouchers, while 2 other Commissioners each had not filed 1 voucher. The Commission was reviewing the need for a voucher for another trip, which had been cancelled. As table 1 shows, 1 Commissioner had received 59 airline and train tickets but had filed vouchers for only 2 trips. The 59 tickets were valued at \$21,897.

Table 1: Travel Vouchers Filed by the Commissioners, Fiscal Year 1992 Through February 1994

Commissioner	Number of tickets	Number of travel vouchers filed ^a	Number of outstanding vouchers	Amount of tickets	Percentage of total ticket value
A	16	16	0	\$3,249	6.50
B	6	6	0	1,540	3.08
C	1	0	0 ^b	526	1.05
D	21	21	0	3,871	7.74
E	59	2	57	21,897	43.79
F	10	10	0	1,145	2.29
G	0	0	0	0	0.00
H	1	1	0	228	0.46
I	37	36	1	4,197	8.39
J	10	10	0	3,974	7.95
K	38	37	1	9,379	18.76
Total	199^b	139	59	\$50,006	100.00

Note: Fiscal year 1994 data are based solely on filed vouchers. The 1994 data on the Commission's payment for transportation tickets were not yet available.

^aAs of March 31, 1994.

^bNo voucher was filed for one trip because, according to Commission staff, after Omega World Travel issued a ticket, the Commissioner cancelled the travel. Although Commission staff said that the Commission paid for the ticket, as of March 1994, they did not yet know the status of the ticket and said they were still probing the situation. Therefore, the number of filed and outstanding vouchers will not add to the total number of tickets.

Source: Commission on Civil Rights travel voucher files and records of Commission payments for transportation tickets provided to Commission staff.

As also shown in table 1, two other Commissioners each had one outstanding voucher. The Commissioner who had filed only 2 vouchers was responsible for 57 (or about 97 percent) of the 59 outstanding vouchers.

On April 7, 1994, this Commissioner told us that he expected to have all vouchers filed within 30 days. He said he had not filed the vouchers because (1) he traveled extensively as the Commission's Chairperson during fiscal years 1992 and 1993; (2) he had not been able to obtain clear guidance from the Commission on how to file vouchers for trips that involved honoraria; and (3) neither he nor his assistant was provided office space in the Commission's headquarters until November 1993, and the lack of office space before then hindered his record keeping.

In January 1992, the Commission's Solicitor provided a response to the Commissioner regarding his inquiry about trips involving honoraria. A Commission official said that until recently, the Commission did not have sufficient space for Commissioners and their assistants and that space is now provided for Commissioners' assistants who are based in Washington, D.C.

Of the 139 vouchers filed by the Commissioners, we were able to determine whether 116 had been filed within 30 days after a trip. We calculated the number of days between the date the trip ended and the date the Budget and Finance Division received the travel voucher.⁴ As table 2 shows, of the 116 vouchers for which we could determine the elapsed time between the date the trip ended and the date the voucher was filed, 81 vouchers were filed within 30 days after a trip had been completed, as required by applicable federal travel regulations.⁵

Table 2: Timeliness of Vouchers Filed by Commissioners, for Travel During Fiscal Year 1992 Through February 1994

Number of days between date travel ended and date Budget and Finance Division received voucher	Fiscal year				Percent of total
	1992	1993	1994	Total	
Within 30 days	45	29	7	81	69.83
Over 30 days	17	17	1	35	30.17
Total	62	46	8	116	100.00

Source: Commission on Civil Rights voucher files.

The remaining 35 vouchers were filed from 33 to 182 days after the trip had been completed. Two Commissioners were responsible for most of these 35 vouchers. One Commissioner, who was one of the Commissioners with one outstanding travel voucher, was responsible for 66 percent of the vouchers that were not filed within 30 days. According to Commission staff, his vouchers were possibly filed untimely because he did not have an assistant for about 1 year. Another Commissioner was responsible for about 14 percent of the vouchers that were not filed within 30 days.

Commission staff said they regularly provided travel material to Commissioners that included information on the requirement to file timely vouchers. The travel section in the Commissioner's Handbook highlights

⁴We could not determine the timeliness of 23 of the 139 vouchers because the 23 vouchers did not contain the dates needed to make the determination.

⁵Federal Travel Regulation 41 CFR 301-11.4 (a).

the Commission's policy on timely travel vouchers.⁶ Further, in September 1991, the Commission distributed a booklet responding to commonly asked questions about official travel, including information on when travel vouchers were to be submitted. In addition, on April 19, 1993, the Acting Staff Director distributed to Commissioners and all employees a travel memorandum and instructions, including information on the requirement to submit timely travel vouchers. The memorandum stated that noncompliance with the Commission's policy would subject travelers to cancellation of their blanket travel authorizations, government contractor-issued charge cards, and travel authorizations with the Commission's travel management center. As of March 1994, the Commission had not taken any of these actions.

Adverse Effects of Outstanding Vouchers

Commissioners' failure to submit travel vouchers in a timely manner has caused the Commission to increase budgetary adjustments at the end of fiscal years and could lead to violations of the Antideficiency Act, 31 U.S.C. 1341 (a), and the bona fide needs statute, 31 U.S.C. 1502 (a). Under 31 U.S.C. 1502 (a), fiscal year appropriations may be obligated only to meet the legitimate bona fide needs of the fiscal year for which the appropriation was made. Thus, temporary duty travel expenses must be charged to the appropriation for the fiscal year in which the travel occurred.

When travel vouchers remain outstanding from 1 year to another—as in the case of most of the Commission's outstanding travel vouchers—they create unliquidated obligations. Under 31 U.S.C. 1341 (a), if an agency lacks sufficient funds to cover outstanding travel vouchers for travel that occurs during a fiscal year, the agency would violate the Antideficiency Act. Further, payment of these vouchers from appropriations for later years would violate the bona fide needs rule.

At the end of fiscal year 1992, the Commission recorded a \$15,000 obligation of fiscal year 1992 funds for outstanding travel vouchers. According to Commission staff, \$10,000 of the funds were obligated for 34 outstanding vouchers attributable to 1 Commissioner. At the end of fiscal year 1993, this Commissioner had 23 additional outstanding vouchers. A Commission staff member said because of an oversight, the Commission did not record an obligation for the 23 outstanding vouchers. According to

⁶The Commissioner's Handbook addresses areas of concern to Commissioners and provides an overview of the Commission activities and administrative matters that affect Commissioners and their Special Assistants. According to Commission staff, the handbook is given to all Commissioners upon their appointment.

NFC, the Commission has unobligated funds from fiscal year 1993 and possibly from fiscal year 1992. If sufficient unobligated funds are available for the appropriate fiscal year, the unobligated funds can be used to pay the travel vouchers relating to travel in the same year.

In its comments on a draft of this report dated July 8, 1994, the Commission said it had received and approved some of the outstanding travel vouchers, and the results of its review indicated that neither the Antideficiency Act nor the bona fide needs rule will be violated by the final processing of those vouchers. Because all of the outstanding vouchers had not been filed and those that had been filed had not been completely processed, we could not verify that the Commission had sufficient funds for the appropriate fiscal year to cover these vouchers.

In addition, Federal Travel Regulation 41 CFR 301-11.4 (b) states that the primary purpose of an agency's supervisory and administrative review of travel vouchers is to confirm that travel for which expenses are claimed was performed as authorized. Because of the outstanding vouchers, as of March 1994 the Commission could not confirm that travel in fiscal years 1992 and 1993 for which it paid \$21,897 was performed as authorized. Further, when an employee signs a travel voucher, he or she certifies that all travel was incurred for official business of the government and that all tickets have been accounted for. This certification had not been made for some of the expended Commission travel funds, some of which were expended over 2 years ago.

The outstanding vouchers have also created the potential for loss of Commission funds. Fifteen of the transportation tickets with an issued value of about \$6,800 were associated with the outstanding vouchers for 1 Commissioner and appeared to be either (1) duplicate tickets or (2) partially used tickets. For example, 4 of the 15 tickets were issued for 2 trips covering the same time period with the same itinerary except for a change in the final destination. Eleven additional tickets appeared to have unused portions. Without the travel vouchers, we could not determine whether the tickets were used. On April 7, 1994, the Commissioner said he had some unused tickets, but he did not know exactly how many.

If the tickets were unused, the Commission may be able to obtain refunds. However, the longer the vouchers are outstanding, the greater the uncertainty of refund. According to an Airline Reporting Corporation official, airline tickets are generally valid for 1 year; after that, individual airlines have the discretion to decide on a case-by-case basis whether to

refund unused tickets. As of the end of March 1994, 12 of the 15 tickets had been issued more than 1 year earlier.

Federal travel regulations stipulate that travelers are liable for the value of issued tickets until all tickets have been used for official travel purposes or unused tickets have been properly accounted for on a travel voucher. Federal regulations further state that travelers should promptly report all adjustments in connection with unused passenger tickets to prevent a loss to the government, and failure to do so may subject travelers to liability for any resulting loss.⁷ Material from Omega attached to copies of airline tickets in the Commissioners' voucher files that we reviewed also included a statement that travelers are to return all unused tickets to the travel agency immediately upon returning from a trip or when trips are cancelled. If the Commission is unable to obtain refunds for the 15 tickets, the Commissioner to whom the tickets were issued could be liable for the cost.

In commenting on a draft of this report, the Commission said that due dates were established to resolve outstanding travel tickets, and in instances where travelers do not respond by the due date, such tickets will be considered as a debt owed to the government and will be subject to collection.

Verification That Use of Government Contractor-Issued Charge Cards Is for Official Purposes

Provisions in the Federal Travel Regulation, 41 CFR 301-15.44 (c) and 301-15.47 (b), stipulate that the government contractor-issued charge cards are to be used only for official travel purposes and authorized cash withdrawals. The Commission could review monthly reports available from the charge card contractor to make this determination. The Commission could check for purchases of personal items, such as clothing, and use of the cards for such items as car rentals and food establishments in the commuting areas of the employees' official duty stations—where travel expenses are generally not allowed. However, the Commission did not know if employees had used government contractor-issued charge cards for nonauthorized or personal purposes, because it was not reviewing monthly reports of credit card purchases. Commission staff said that they were not able to do this because the Commission had received no reports on credit card use from the government contractors since April 1993.

⁷Federal Travel Regulation 41 CFR 301-1.103 (a) and 301-3.5 (a) (1).

A Commission staff member said that during April 1993, while determining the extent of outstanding travel vouchers, she inadvertently discovered that at least five staff members had used government contractor-issued charge cards in the commuting areas of their official duty stations. To reemphasize that such use may be inappropriate, in April 1993, the Acting Staff Director distributed a travel memorandum to all Commission staff stressing that use of the government contractor-issued charge cards was for official travel expenses only. The memo further stated that monthly listings of transactions by each cardholder would be reviewed and if the review revealed inappropriate use, the employee's card would be subject to cancellation.

Between May 1993 and February 1994, the Commission did not receive the summary monthly transaction reports from Diners Club, the government-issued charge card contractor during fiscal year 1993. According to the Diners Club's Contract Administrator, Diners did not send the reports to the Commission because (1) the Commission requested that the reports be discontinued as of May 1993 and (2) after the Commission reactivated the reports beginning in August 1993, Diners had mailing problems and the reports went to the wrong address and were eventually returned to the contractor.

Diners' Contract Administrator said the contractor no longer had information on specifically who from the Commission had requested that the reports be discontinued. Commission staff members said they did not request that the reports be discontinued and were not even aware that they could make such a request. On February 25, 1994, at our request, Diners Club submitted three of the missing reports to the Commission but informed us that other reports were not available because the data had not been assembled between May and July 1993.

In addition, as of March 1994, the Commission had not received the summary activity reports from American Express for fiscal year 1994 activities. The contractor reported that it was still making adjustments to its travel accounting system.

When these reports become available, the Commission should be able to use them to help determine whether cards are being used for personal purposes.

Statutory Limitations on Commissioners' Billable Workdays and Volunteer Services Do Not Limit Travel Reimbursement Commissioners Can Receive

In our opinion, the limitation on Commissioners' billable workdays contained in the Commission's annual appropriations acts for the past several years (most recently in P.L. 102-395 and P.L. 103-121) do not limit the amount of travel reimbursement Commissioners can receive. These appropriations limitations on billable workdays refer to compensation for services—not reimbursement for travel while in an official travel status. Travel expenses are not compensation or pay for services rendered. The appropriations restriction on billable workdays does not limit the number of days the Commissioners can work in a year, only the number of days for which they can be paid.⁸ Therefore, we believe that as long as a Commissioner is performing authorized Commission business, the Commissioner is entitled to be reimbursed for his or her travel expenses.

We also believe that the prohibition in 42 U.S.C. 1975d(b) against the Commission accepting or utilizing "services of voluntary or uncompensated personnel" does not apply to the Commissioners. The legislative history of this provision makes it clear that the prohibition was intended to prevent the Commission from using volunteer staff from outside the federal government, especially from special interest groups, because of the potential adverse effects on the Commission's independence.⁹

Conclusions

Six of the 10 Commissioners who were provided airline and train tickets during fiscal year 1992 to February 1994 had filed all required vouchers. Of the 59 vouchers that had not been filed, 1 Commissioner was responsible for 57. Of the 116 vouchers filed that had complete data, 81 were filed within 30 days after the trip, as required by applicable federal travel regulations. The remaining 35 vouchers were late; some had not been filed until 6 months after the trip had been completed.

Outstanding vouchers create additional budgetary adjustments, could lead to violations of the Antideficiency Act and the bona fide needs rule, and could result in a loss of Commission funds if airlines refuse to refund

⁸For example, the Commission's fiscal year 1993 appropriation, P. L. 102-395, provided that none of the funds appropriated for the Commission could be used to reimburse Commissioners for more than 75 billable days, except for the Chairperson, who was permitted 125 billable days.

⁹For example, the sponsor of the Senate amendment adding the prohibition explained: "The intent of that amendment is to make sure persons who might have a particular interest in some phase of the problem—who may be members of citizens councils or the NAACP, or similar organization—will not be employed by the Commission on a voluntary basis in connection with something that should be impartial, and that any persons employed on a voluntary basis will carry on their work on an impartial basis. That is the reason for that amendment." 103 Cong. Rec. 13,450 (1957) (remarks of Sen. Knowland).

unused tickets issued for over 12 months. Federal regulations stipulate that travelers should promptly report all adjustments in connection with unused passenger tickets to prevent a loss to the government, and failure to do so may subject travelers to liability for any resulting loss.

The Commission had not verified that employee use of the government contractor-issued charge cards was limited to official travel purposes only. A Commission plan to review monthly reports available from the government-issued charge card contractor that list transactions for individual cardholders was not implemented because the Commission had not received the necessary reports. This information is needed so that the Commission can review monthly charge card transactions in order to verify that employees are complying with federal regulations.

In our opinion, the appropriations limitation on Commissioners' billable workdays does not limit the amount of travel reimbursement Commissioners can receive, but it does limit the number of days for which Commissioners can be paid. As long as a Commissioner is performing authorized Commission business, he or she is entitled to travel reimbursement. Further, the statutory provision prohibiting the Commission from accepting volunteer services was intended to prevent the Commission from using volunteers from special interest groups and, in our view, does not apply to the Commissioners.

Recommendations

We recommend that the Staff Director, in consultation with the Chairperson of the Commission on Civil Rights, direct Commission staff to determine the liability of the Commissioner who has the 57 outstanding vouchers for any loss that may result from nonrefund of his airline tickets that were issued over 12 months ago.

We also recommend that the Staff Director, in consultation with the Chairperson of the Commission, direct Commissioners to file travel vouchers in a timely manner as required by federal travel regulations, and that if the Commission does not receive completed travel vouchers for all trips by the end of August 1994, the Staff Director should consider directing the Commission staff to cancel the travel authorization of those Commissioners who have not filed all outstanding vouchers.

Agency Comments and Our Evaluation

On July 8, 1994, the Commission on Civil Rights provided written comments on a draft of this report, which are included in appendix I. The

Commission agreed that our recommendations were appropriate and provided planned actions that, when implemented, would minimize the opportunity for the problems noted in our report to recur. The Commission said that it had requested all outstanding vouchers and had received and approved some of them. For airline tickets that remained outstanding, the Commission said it had established due dates for submittal of final documents from travelers. The Commission also said it was revising travel instructions for Commission staff and would instruct managers to enforce travel procedures in the future.

In our draft report, we had suggested that the Commission contact GSA and ask for assistance in requiring the government charge card contractor to furnish required monthly reports on use of the charge cards. We had also suggested that Commission staff review the reports and verify that employees were complying with federal regulations requiring that use of the cards be limited to official purposes only. In its comments on our draft report, the Commission said it is now receiving all management reports from the government charge card contractor, and charges to the cards are being regularly monitored.

The Commission generally agreed with most of our findings but raised the following concerns. The Chairperson said that in contrast to our conclusion, she had always believed that the statutory prohibition against the Commission using voluntary personnel applied to the Commissioners. However, she indicated that the Commission "will review the GAO finding in this area to determine if any new procedures are warranted."

In concluding that 42 U.S.C. 1975d(b) does not prohibit the Commission from accepting the Commissioners' services on an uncompensated basis, we do not intend to suggest that the Commission is compelled to accept such services. Rather, we believe the Commission is free to establish a policy as to whether it will accept uncompensated services from Commission members.

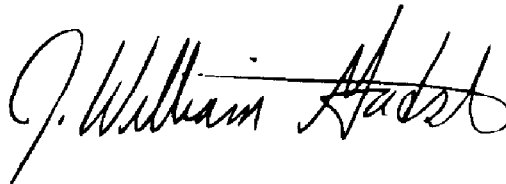
In addition, the Commission was concerned about statements relating to who was responsible for discontinuing charge card management reports provided by the government charge card contractor. However, in the report, we attributed those statements to the government charge card contractor and pointed out that the Commission disagreed with them.

In contrast to our report, the Commission said that only three charge card activity reports were missing during fiscal year 1993, and all other reports

were available through October 1993. During the audit, Commission staff told us that they could not implement Commission plans to review the reports because the Commission had not received the reports since April 1993. At our request, on February 25, 1994, the contractor provided the Commission three of the missing reports—August, September, and October 1993—but indicated that reports for May, June, and July 1993 were not available. We incorporated additional agency comments in the report where warranted.

We are sending copies of this report to the Chairperson, Commission on Civil Rights; the Director, Office of Management and Budget; and interested congressional committees. We will also make copies available to others upon request. Major contributors to this report are listed in appendix II. Please contact me on (202) 512-8387 if you have any questions concerning this report.

Sincerely yours,

A handwritten signature in black ink, reading "J. William Gadsby". The signature is fluid and cursive, with a large initial "J" and a stylized "Gadsby".

J. William Gadsby
Director, Government Business
Operations Issues

Comments From the Commission on Civil Rights



UNITED STATES
COMMISSION ON
CIVIL RIGHTS

624 Ninth Street, N.W.
Washington, D.C. 20425

July 8, 1994

Mr. J. William Gadsby
Director, Government Business Operations
U.S. General Accounting Office
441 G Street, NW
Washington, D.C. 20548

Dear Mr. Gadsby:

I have reviewed the draft audit report of the U.S. General Accounting Office (GAO) entitled U.S. Commission on Civil Rights, Commissioners' Travel Activities. Serious consideration has been given to the GAO's findings and recommendations. I am forwarding this letter to provide you with Commission comments on this draft audit report.

First, I would like to point out that staff in the Office of Management were aware of the deficiencies reported in the GAO's draft audit report, and were in the process of resolving these issues prior to and during the audit. To address the discrepancies noted in the GAO's preliminary findings, the U.S. Commission on Civil Rights has taken the following actions:

- Requests for travel vouchers or travel certification have been sent to each individual identified by the audit as having unvouchered travel expenses. Individual vouchers for some of the unclaimed travel have been received, reviewed for propriety, and approved for processing. The results of our review indicated that neither the Anti-deficiency Act nor the "bona fide needs" rule will be violated by the final processing of these vouchers. Additionally, for those airline travel tickets that remain outstanding, requests were issued to the travellers regarding the need for resolution of these matters. Due dates were established for submittal of final documents from the travellers, and indications of possible liability were stated. In instances where the traveller does not respond by the due date, the unvouchered airline ticket will be considered a debt owed the government of the United States and will be subject to collection.

- Revisions have begun to our internal operating procedures to minimize the opportunities for these types of discrepancies to occur in the future. Specific actions include:
 - All Commission travel instructions are being revised to include greater detail regarding official travel requirements. Special emphasis will be placed on timeliness of voucher submission, use of Travel Management Centers, use of contractor-issued charge cards, and penalties/liabilities in the event that operating procedures are not followed. Also, the CCR travel instructions will include specific provisions regarding the processing of claims at the end of the fiscal year.
 - Commission financial managers are more closely monitoring and reporting discrepancies noted through internal review of the travel management reports received from the American Express Company. These reports are being reviewed monthly and when appropriate, requests for verification will be sent to any traveller whose expense record needs verification. Continued improper use of the AMEX government travel system will result in suspension of charge card privileges. It should be noted that all management reports are currently being received on a regular basis and expenses are being regularly monitored.
 - More specific documentation of individual trips under blanket travel authorizations will be required. While the Commission's current procedure for documenting travel is consistent with the Federal Travel Regulations, planned revisions to our current process will provide enhancements by requiring a more detailed description of the purpose of the travel, receipt requirements and travel entitlements.
 - Commission managers will enforce these travel procedures by terminating travel privileges when the travel instructions are not followed. Revisions will be made to the Commission's travel instructions outlining the circumstances under which this will occur.

These and other planned actions will ensure the Commission's compliance with the applicable Federal Travel Regulations while enabling us to maintain a viable travel management program.

The following listing itemizes specific points of disagreement the Commission has with the audit findings:

- In this draft report, the GAO concluded that the appropriations limitation on Commissioners billable workdays and the statutory prohibition against the Commission accepting volunteer services does not result in a limitation on the amount of travel reimbursement Commissioners can receive for official business travel. GAO went on to say that the billable workday limitation does not restrict the number of days the Commissioners can work in a year, but rather only places a limit on the number of days that Commissioners can receive compensation. The GAO added that the statutory prohibition against acceptance of volunteer services does not apply to Commissioners. During the period audited, Commissioners use of travel did not exceed their billable day allotment. I have always believed the volunteer services provision applied to Commissioners and have acted accordingly. The Commission will review the GAO finding in this area to determine if any new procedures are warranted.
- On page 19 of the audit report, the GAO states, "the Commission requested that the reports be discontinued as of May 1993." The Commission categorically denies that any effort was made by staff to discontinue the management reports from the government charge card contractor. There is no documentation to support the GAO's contention that the Commission "reactivated" the reports. These reports were restarted only in response to the Commission's repeated calls to Diners Club in which we requested the status of the missing reports. If the contractor was able to determine that the Commission requested "deactivation" of these reports, it would seem logical to conclude that they would also have a record of who requested this action on such an important management information tool. The GAO determined as a part of its audit, that Diners Club has no such record. The Commission agrees with the GAO that these reports were not available for audit and were possibly never produced by Diners Club. However, the implication resulting from the audit's reference to the "reactivation" request suggests that there was a deliberate attempt by the Commission's travel coordinator to conceal or withhold data. This implication is not in accord with the facts.

Now on p. 11.

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Text revised.
See p. 4.

- In the background paragraph of the audit report, we would suggest the addition of reference to the fact that the Commissioners are duty stationed at their "usual place of residence." The fact that the Commissioners are intermittent and often duty stationed outside the Washington, D.C. metropolitan area sometimes complicates administrative interactions.

Text revised.
Now on p. 4.

- It is not clear to us why the audit report states that information on Commissioner travel was not readily available in FY 1993 as this information was compiled and provided to the House Judiciary Subcommittee in January 1994. (page 6)

Now on p. 8.

- The draft audit report referenced specific actions the Commission has taken. The April 19, 1993 travel memorandum to Commissioners and all employees also included, as attachments, the Commission's 30-page booklet on travel, and Administrative Instruction 3-10 which addresses the acceptance of travel reimbursement from a non-Federal source. (page 13)

Now on pp. 10-11.

- The audit report states that the Commission staff were not able to review monthly reports of credit card purchases because the Commission had received no reports on credit card use from the government contractors since April 1993. This statement appears to be the result of incomplete communication between the GAO auditor and Commission staff. There were only three reports missing from FY 1993. All other reports for that year were available and were provided as part of the initial data given to the auditor. Additionally, our review of the reports prior to April 1993 identified potential discrepancies in credit card utilization. Utilization reports were available through October 1993. (page 19)

- The report states that between May 1993 and March 1994, the Commission did not receive the summary monthly transaction reports from either Diners Club or American Express. Except for the three-month period previously referenced, reports were available for the duration of the Diners Club contract.

Text revised.
See p. 13.

- The audit report recommends that the Commission Chairperson take certain actions to correct the noted deficiencies. The responsibility for managing the day-to-day operations of the Commission rests with the Staff Director, not the Chairperson. We agree that the actions specified are appropriate; however, these recommendations should be addressed to the Staff Director.

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We appreciated the opportunity to respond to this draft audit report. Should you desire to discuss the Commission's comments further, please contact the Commission's Staff Director, Mary K. Mathews, on 202-376-7700.

Sincerely,



MARY FRANCES BERRY
Chairperson

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