

ECONOMIC DEVELOPMENT, TRANSPORTATION, AND NATURAL RESOURCES SUBCOMMITTEE MEETING

Tuesday, December 19, 2017

Contents

Agenda.....	2
Minutes from Previous Meeting.....	3
Study Timeline: Commission for Minority Affairs.....	6
Subcommittee Follow-Up Letter to Agency	7
Agency Response to Follow-Up Letter.....	9
CMA Response Letter	10
Attachment A - GAO Report	14
Attachment B - State Agency Data Requests.....	66
Attachment C - Proposed Draft Legislation for Data Collection	68
Attachment D - MOU with the Polaris Project	71
Attachment E - SCMEN Conferences Registration	74
Attachment F - Carolina Bridge Financial Statement	76
Products, Services, and Customers.....	82
Table 1. Sample of products and services the agency provides.	82
Table 2. List of Deliverables	85
Agency Resources.....	87
Overview.....	87
Table 3. Overview of Resources	87
Graph 1. Agency Funding History	87
Revenue Sources	88
Table 4. Revenue Sources.....	88
Agency Strategic Plan & Resource Allocation.....	89
Table 5. Agency Strategic Plan & Allocated Resources	89
Agency Performance Measures.....	96
Table 6. Agency Performance Measures	96
Endnotes.....	100

AGENDA

South Carolina House of Representatives



Legislative Oversight Committee

ECONOMIC DEVELOPMENT, TRANSPORTATION, AND NATURAL RESOURCES SUBCOMMITTEE

The Honorable Bruce W. Bannister, Chair

The Honorable Neal A. Collins

The Honorable Mandy Powers Norrell

The Honorable Robert L. Ridgeway III

Tuesday, December 19, 2017

2:00 p.m.

110 - Blatt Building

Pursuant to Committee Rule 6.8, S.C. ETV shall be allowed access for internet streaming whenever technologically feasible.

AGENDA

- I. Approval of Minutes**
- II. Discussion of the study of the Commission for Minority Affairs**
- III. Adjournment**

MINUTES FROM PREVIOUS MEETING

Chair Wm. Weston J. Newton

*First Vice-Chair:
Laurie Slade Funderburk*

Legislative Oversight Committee

*Katherine E. (Katie) Arrington
William K. (Bill) Bowers
Neal Collins
MaryGail K. Douglas
Phyllis J. Henderson
Joseph H. Jefferson Jr.
Robert L. Ridgeway III
Edward R. Tallon Sr.*

*Bruce W. Bannister
Gary E. Clary
Chandra E. Dillard
Raye Felder
William M. "Bill" Hixon
Mandy Powers Norrell
Tommy M. Stringer
Robert Q. Williams
Bill Taylor*

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*Carmen J. McCutcheon Simon
Research Analyst/Auditor*

*Kendra H. Wilkerson
Fiscal/Research Analyst*

Economic Development, Transportation, and Natural Resources Subcommittee

Tuesday, November 28, 2017

10:30 am

Blatt Room 427

Archived Video Available

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

Attendance

- I. The Economic Development, Transportation, and Natural Resources Subcommittee meeting was called to order by Chair Bruce W. Bannister on Tuesday, November 28, 2017, in Room 427 of the Blatt Building. The following members of the Subcommittee were present for either all or a portion of the meeting: Representative Neal Collins, Representative Mandy Powers Norrell, and Representative Bruce W. Bannister.

Minutes

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.

- II. Representative Collins makes a motion to approve the meeting minutes from the prior Subcommittee meeting. A roll call vote is held, and the motion passes.

Rep. Collins' motion to approve the minutes from the November 20, 2017 meeting:	Yea	Nay	Not Voting
Rep. Collins	✓		
Rep. Norrell			Not Present
Rep. Ridgeway			Not Voting
Rep. Bannister	✓		

Discussion of the Commission for Minority Affairs

- I. Chair Bannister states that this is the Subcommittee's third meeting with the Commission for Minority Affairs (CMA). He explains that the purpose of the meeting is to discuss the agency's products, services, and customers; resources available; relationships with other entities; goals; and strategic plan.
- II. Chair Bannister announces that three constituents will address the Subcommittee prior to the agency's testimony.
- a. Chair Bannister reminds Ms. Lisa McQueen-Starling that she remains under oath for any testimony before this Subcommittee or the full Committee.
 - i. Ms. Starling testifies to clarify the Wassamasaw Indian Nation. In April 2012, the Wassamasaw Indian Nation filed a Petition with the CMA of over 2,000 pages to be recognized as a Native American Indian tribe in South Carolina. The tribe did not hear anything until 17 months later. South Carolina law provides that there are 120 days to be approved or denied. She has filed an appeal. She provides their petition.
 - ii. Members ask questions, which Ms. Lisa McQueen-Starling answers.
 - b. Chair Bannister reminds Chief Louie Chavis that he remains under oath for any testimony before this Subcommittee or the full Committee.
 - i. Chief Chavis testifies about the great problems with the Commission for Minority Affairs and, as a board member, he provides his thoughts on the November 20th meeting.
- III. Chair Bannister reminds everyone who has been previously sworn in at an Oversight Committee or Subcommittee meeting that they remain under oath for any testimony before this Subcommittee or the full Committee.

- IV. CMA Director Thomas Smith and other agency representatives present information on the following topics:
 - a. Products, services, and customers:
 - i. Native American Affairs Program; and
 - ii. Research and Policy Services;
 - b. Resources available; and
 - c. Relationships with other entities.
- V. Members ask questions, which different agency representatives answer.
- VI. There being no further business, the meeting is adjourned.

STUDY TIMELINE: COMMISSION FOR MINORITY AFFAIRS

2015

August 7, 2015 Agency submits its **Annual Restructuring and Seven-Year Plan Report**, which is available online.

2016

March 30, 2016 Agency submits its **Annual Restructuring Report**, which is available online.

September 2016 Agency submits its 2015-16 Accountability Report/2017 Annual **Restructuring Report**.

2017

May 10, 2017 **Full committee votes** to make the agency the next agency for the Economic Development, Natural Resources, and Transportation Subcommittee to study. Video of the meeting is available online.

May 11, 2017 **Agency receives notice** that it has been selected for study.

June 27 - July 28, 2017 Committee solicits input from the public about the agency in the form of an **online public survey**. The results of the public survey are available online.

September 2017 Agency submits its 2016-17 Accountability Report/2018 Annual **Restructuring Report**.

September 29, 2017 Agency submits its **Program Evaluation Report**, which is available online.

October 16, 2017 Committee holds **public input meeting (Meeting #1)** about this and other agencies.

October 24, 2017 Subcommittee meets with agency (**Meeting #2**) to discuss the agency's purpose; mission; vision; laws enforced; organizational structure; major program areas; and relationships with other agencies.

November 13, 2017 Agency responds to public input at full committee meeting (**Meeting #3**).

November 20, 2017 Subcommittee meets with agency (**Meeting #4**) to discuss follow-up questions.

November 28, 2017 Subcommittee meets with agency (**Meeting #5**) to discuss agency products, services, and customers; resources available; and relationships with other entities.

December 19, 2017 (TODAY) Subcommittee meets with agency (**Meeting #6**) to discuss follow-up questions; agency products, services, and customers; resources available; and relationships with other entities including advisory committees.

Ongoing Public may submit written comments on the Oversight Committee's webpage on the General Assembly's website (www.scstatehouse.gov)

SUBCOMMITTEE FOLLOW-UP LETTER TO AGENCY

Chair Wm. Weston J. Newton

*First Vice-Chair:
Laurie Slade Funderburk*

Legislative Oversight Committee

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Legal Counsel*

*Carmen J. McCutcheon Simon
Research Analyst/Auditor*

*Kendra H. Wilkerson
Fiscal/Research Analyst*

December 1, 2017

Via Email

Chairman Kenneth Battle
Director Thomas J. Smith
South Carolina Commission for Minority Affairs
2221 Devine St., Ste. 408
Columbia, SC 29205

RE: Follow up from Subcommittee's November 28, 2017, meeting with the agency

Dear Chairman Battle and Director Smith:

The Economic Development, Transportation, and Natural Resources Subcommittee appreciates the agency's partnership in the oversight process. As discussed at our meeting on November 28, please provide the following information to the Subcommittee by Friday, December 8, 2017:

Native American Recognition Process

1. Documentation of any acknowledgement of South Carolina's Native American recognition process as a best practice or model to be emulated by other states.

Acquisition of State Data

2. A list of South Carolina state agencies that have not cooperated with CMA requests for data, the name of the individual contacted, and the stated reason for not providing the data.
3. Draft language for a legislation change that may assist CMA to obtain the necessary data from other state agencies to accomplish its statutory duties.

Grant Applications

4. A list of grants that CMA staff members have applied for in the last four fiscal years, and whether each was awarded. Please include grants applied for on behalf of SCMEN, Carolina Bridge Project, or any other nonprofit operated within the CMA.

SCMEN Conference Registrations

5. For the last three SCMEN conferences:
 - a. Number of registrants;
 - b. Estimated number of participants (excluding agency staff) who were not registered;
 - c. Fee paid by each registrant (please do not include information identifying individual participants); and
 - d. Conference evaluation results, if available.

Online Human Trafficking Reporting

6. Can human trafficking allegations in South Carolina be reported online? If so, what is the status of the accessibility of this tool from the CMA website?

Nonprofit Organizations

7. The Subcommittee has received the 2015 and 2016 Form 990-EZ for the SC Microenterprise Network (SCMEN). Have any other state or federal tax forms ever been filed for SCMEN, Carolina Bridge Project, or any other nonprofit organizations operated within the CMA? If so, please provide those forms.
8. Please provide the budgets for SCMEN and Carolina Bridge Project for the years in which they operated.

Thank you for your service to the citizens of South Carolina and for your continued cooperation with the legislative oversight process. We look forward to continuing our discussions of the Commission for Minority Affairs at the next Subcommittee meeting on Tuesday, December 19, 2017.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Bannister".

Bruce W. Bannister
Subcommittee Chair

cc: Economic Development, Transportation, and Natural Resources Subcommittee Members

AGENCY RESPONSE TO FOLLOW-UP LETTER

Responses to the HLOC Letter Dated December 1, 2017

The following information is provided the House Legislative Oversight Subcommittee per its request:

1. Native American Recognition Process - Documentation of any acknowledgement of South Carolina's Native American recognition process as a best practice or model to be emulated by other states.

The South Carolina Commission for Minority Affairs maintains and promulgations regulations to certify Native American Indian Entities as State Recognized on behalf of the State of South Carolina. This process and enabling legislation are considered best practices. The process for recognition is a strong and formalize process similar to states like North Carolina. This process is cited as an example in the U.S. Government Accountability Office Report titled: INDIAN ISSUES: Federal Funding for Non-Federally Recognized Tribes (GAO-12-348). This report was published: Apr 12, 2012 and publicly Released: May 9, 2012.

Quote from Page 8:

“Twelve state governments officially recognize one or more non-federally recognized tribes within their borders, according to state officials we spoke with. Each state government determines which groups in the state, if any, should be recognized. Some of these 12 states—such as North Carolina and South Carolina—have formalized their procedures for recognizing tribes, while other states—such as Massachusetts—have not. For example, North Carolina's Commission of Indian Affairs and South Carolina's Commission for Minority Affairs have promulgated regulations outlining the process for entities seeking recognition in those states. Furthermore, some states have established state reservations that are not also federal Indian reservations. No federal agency maintains a list of state-recognized tribes and their reservations, but the U.S. Census Bureau collected information about state-recognized tribes as part of its effort to designate American Indian Areas for the Decennial Census of 2010. The U.S. Census Bureau considers an Indian tribe to be state recognized if it is specifically recognized by a state government through treaty (with, for example, 1 of the original 13 colonial assemblies), state legislation, or other formal process.

See Attachment A (*Indian Issues – Federal Funding for Non-Federally Recognized Tribes*)

2. Acquisition of State Data - A list of South Carolina state agencies that have not cooperated with CMA requests for data, the name of the individual contacted, and the stated reason for not providing the data.

See Attachment B (*Listing of State Agencies Not Cooperating with CMA For Statistical Data*)

3. Draft language for a Legislation Change – Changes that may assist CMA to obtain the necessary data from other state agencies to accomplish its statutory duties.

See Attachment C (*Proposed Draft Legislation For Collaboration On The Collection and Obtaining Date From State Agencies*)

4. Grant Applications - A list of grants that CMA staff members have applied for in the last four fiscal years, and whether each was awarded. Please include grants applied for on behalf of SCMEN, Carolina Bridge Project, or any other nonprofit operated within the CMA.

A. In collaboration with the University of South Carolina, CMA applied for a grant titled ***“Expanding FoodShare SC to Indian Tribes of the Pee Dee Region of SC: An Environmental Strategy to Increase Access to Fresh Fruits and Vegetables.”*** The grant was applied for in August of 2016 but was not funded.

B. USDA Rural Business Enterprise Grant (RBEG) - \$25,000 - This grant supports the agency’s Small and Minority Business Program by providing training and technical assistance designed to help minority owned microbusinesses to either save or create jobs thereby adding to the economic wellbeing of minority communities.

C. USDA Grant - “Building Capacity for Tribal Food Sovereignty in South Carolina” - \$35,000
The Commission was awarded a USDA Community Food Project in the amount of \$35,000 to “Build Capacity for Tribal Food Sovereignty in SC.” The grant supports the agency’s Native American Affairs Program which exists to serve as a single point of contact for Native American Indian Affairs, State Recognition of Native American entities in the state, and to bring about social equity and economic prosperity for members of the state’s Native American population. In partnership with the University of South Carolina, this grant will help to create a statewide plan to address food insecurity and food deserts among the state’s Native American population.

5. SCMEN Conference Registrations

- A. Number of registrants;
- B. Estimated number of participants (excluding agency staff) who were not registered;
- C. Fee paid by each registrant (please do not include information identifying individual participants); and
- D. Conference evaluation results, if available.

Registration Information:

Year 2015

Number of registrants paid thru Eventbrite	43@ \$65.00
Onsite cash, check or IDT payments	9@ \$65.00
Number of registrants complimentary, est. (Includes students, panelists, others)	52

Year 2016

Number of registrants paid thru Eventbrite:	44@ \$75.00 (early bird rate) 8 @ \$99.00 9 @ \$25.00 (reception only)
Onsite cash, check or IDT payments	3 @ \$75.00 3 @ \$25.00 (reception only) 4 @ \$99.00 1 @ \$50.00
Number of registrants complimentary, est. (includes students, panelists, others)	59

Year 2017

Number of registrants paid thru Eventbrite:	11@ \$100.00 1@ \$50.00
Onsite cash, check, or IDT payments:	4 @ \$50.00 3 @ \$25.00 (reception only) 3 @ \$100.00
Number of registrants complimentary, est. (includes students, panelists, others)	63

6. Online Human Trafficking Reporting - Can human trafficking allegations in South Carolina be reported online? If so, what is the status of the accessibility of this tool from the CMA website?

Human trafficking allegations can be reported online via the Polaris Project at <https://humantraffickinghotline.org/report-trafficking>. Both the Commission for Minority Affairs and the Office of the Attorney General have Memorandums of Understanding with the Polaris Project for the reporting of human trafficking allegations in the state. There will be a tool on the Commission's website for the public to report allegations of human trafficking. The Human Trafficking page that will include that information is currently in the development process and is projected to be accessible in January 2018.

See Attachment D (*MOU with the Polaris Project*)

7. Nonprofit Organizations

The Subcommittee has received the 2015 and 2016 Form 990-EZ for the SC Microenterprise Network (SCMEN). Have any other state or federal tax forms ever been filed for SCMEN, Carolina Bridge Project, or any other nonprofit organizations operated within the CMA? If so, please provide those forms.

The most recent 990 Form for SCMEN, which the state accepts, has been submitted to the subcommittee per its request. The next report is due January 15. A copy of the report will be submitted to the Subcommittee upon its completion.

No state or federal tax forms were submitted for Carolina Bridge. However, *Complied Financial Statements* for Carolina Bridge were completed detailing the organization's finances and are included in this correspondence.

8. Please provide the budgets for SCMEN and Carolina Bridge Project for the years in which they operated.

Neither SCMEN nor Carolina Bridge have had operational budgets. The funds SCMEN received to date have been contributions from several local banks in support its conferences. The Commission has been a sponsor of SCMEN's conferences. However, none of the funds spent in support of the conference went directly to SCMEN. Rather, funds expended were paid directly to entities providing goods and or services for the conferences.

See Attachment E (*SCMEN Conferences Registration*)

Carolina Bridge received Supplemental Education Services Funds (*Title I Funds*) appropriated to the state by the US Department of Education (*through the State Department of Education*) for afterschool tutorial services for students performing below grade level in reading and math. As an approved vendor, parents of eligible students could select Carolina Bridge to provide tutorial services for their children. Each student, based upon the particular district, was allocated a certain amount of funds for afterschool tutorial services. Those funds were paid directly to the vendors (*providers*) for providing tutorial services.

See Attachment F (*Carolina Bridge Financial Statement*)

Attachment A

Indian Issues – Federal Funding for Non-Federally Recognized Tribes



Report to the Honorable Dan Boren,
House of Representatives

April 2012

INDIAN ISSUES

Federal Funding for Non-Federally Recognized Tribes



G A O
Accountability * Integrity * Reliability



Highlights of GAO-12-348, a report to the Honorable Dan Boren, House of Representatives

Why GAO Did This Study

As of January 3, 2012, the United States recognized 566 Indian tribes. Federal recognition confers specific legal status on tribes and imposes certain responsibilities on the federal government, such as an obligation to provide certain benefits to tribes and their members. Some tribes are not federally recognized but have qualified for and received federal funding. Some of these non-federally recognized tribes are state recognized and may be located on state reservations.

GAO was asked to address (1) the key means by which non-federally recognized tribes have been eligible for federal funding and (2) the amount of federal funding awarded to non-federally recognized tribes for fiscal years 2007 through 2010. GAO also identified some eligibility and federal financial reporting issues related to non-federally recognized tribes. GAO compiled a list of about 400 non-federally recognized tribes and reviewed information from federal agencies, USAspending.gov, states, and other sources to identify tribes' federal funding and eligibility.

What GAO Recommends

GAO recommends that Education and HHS take specific actions to ensure that they are not making grants to ineligible tribes and to enforce federal financial reporting requirements. HHS agreed. Education stated its commitment to review its practices, but disagreed with GAO's finding on the statutory eligibility for the American Indian Vocational Rehabilitation Services Program, which is discussed more fully in the report.

View GAO-12-348. For more information, contact Anu K. Mittal at (202) 512-3841 or mittala@gao.gov.

April 2012

INDIAN ISSUES

Federal Funding for Non-Federally Recognized Tribes

What GAO Found

Of the approximately 400 non-federally recognized tribes that GAO identified, 26 received funding from 24 federal programs during fiscal years 2007 through 2010. Most of the 26 non-federally recognized tribes were eligible to receive this funding either because of their status as nonprofit organizations or state-recognized tribes. Similarly, most of the 24 federal programs that awarded funding to non-federally recognized tribes during the 4-year period were authorized to fund nonprofit organizations or state-recognized tribes. In addition, some of these programs were authorized to fund other entities, such as tribal communities or community development financial institutions.

For fiscal years 2007 through 2010, 24 federal programs awarded more than \$100 million to the 26 non-federally recognized tribes. Most of the funding was awarded to a few non-federally recognized tribes by a small number of programs. Specifically, 95 percent of the funding was awarded to 9 non-federally recognized tribes, and most of that funding was awarded to the Lumbee Tribe of North Carolina. Similarly, 95 percent of the funding was awarded by seven programs in four agencies, and most of that funding was awarded by one Department of Housing and Urban Development program.

During the course of its review, GAO identified some instances where federal agencies had provided funding to non-federally recognized tribes for which grant eligibility is disputed and one instance where an agency was in the process of better enforcing federal financial reporting requirements with one tribe. Specifically:

- The Department of Education awarded American Indian Vocational Rehabilitation Services Program funding to the United Houma Nation, the Lumbee Tribe of North Carolina, and a consortium consisting of the Choctaw-Apache Tribe of Ebarb and the Four Winds Cherokee. Each of these four tribes is state recognized, but it appears that none of them has a "reservation" as required by the statute establishing the program. GAO has substantial questions about whether Education's interpretation of the term "reservation" is broader than the statutory definition supports.
- The Department of Health and Human Services (HHS) awarded funding to the Nanticoke Lenni-Lenape Indians of New Jersey and the Powhatan Renape Nation—two non-federally recognized tribes in New Jersey—under programs authorized to fund state-recognized tribes. The state of New Jersey, however, does not consider these entities to be state recognized.
- HHS has initiated action to enforce federal financial reporting requirements for the Accohannock Indian Tribe. The Accohannock Indian Tribe has not filed its required financial report for 2009 that was due no later than September 30, 2010. In 2009, the Accohannock Indian Tribe reported spending over \$1 million in federal funds from three different federal programs administered by the department. The department sent letters of inquiry about the delinquent financial report on March 8, 2011, and more recently, after GAO inquired about the issue, on February 7, 2012.

Contents

Letter		1
	Background	4
	Most Non-Federally Recognized Tribes That Received Federal Funding Were Eligible as Nonprofit Organizations or State-Recognized Tribes	10
	Federal Programs Awarded More Than \$100 Million in Funding to Non-Federally Recognized Tribes for Fiscal Years 2007 through 2010	19
	Agencies Have Funded Some Likely Ineligible Non-Federally Recognized Tribes, and One Agency Is in the Process of Enforcing Single Audit Act Requirements	23
	Conclusions	28
	Recommendations for Executive Action	28
	Agency Comments and Our Evaluation	29
Appendix I	Objectives, Scope, and Methodology	31
Appendix II	Tribes Whose Recognition Was Terminated	36
Appendix III	State-Recognized Tribes	39
Appendix IV	Non-Federally Recognized Tribes That Received Federal Funding before Fiscal Year 2007	44
Appendix V	Statutes and Regulations That Explicitly Include State-Recognized Tribes or Tribes on or in Proximity to State Reservations	50
Appendix VI	Comments from the Department of Education	56
Appendix VII	Comments from the Department of Health and Human Services	60

Appendix VIII

GAO Contact and Staff Acknowledgments

63

Tables

Table 1: Nonprofit and State-Recognition Status of 26 Non-Federally Recognized Tribes That Received Direct Federal Funding, Fiscal Years 2007 through 2010	12
Table 2: Statutory or Regulatory Authority of 24 Programs Awarding Funding to Non-Federally Recognized Tribes, Fiscal Years 2007 through 2010	15
Table 3: Direct Federal Funding Received by 26 Non-Federally Recognized Tribes, Fiscal Years 2007 through 2010	20
Table 4: Twenty-four Federal Programs That Awarded Funding to Non-Federally Recognized Tribes, Fiscal Years 2007 through 2010	22
Table 5: Years in Non-Federally Recognized Status for 38 Tribes Whose Recognition Was Terminated and Subsequently Restored	36
Table 6: Nine Tribes in California Whose Recognition Was Terminated and Not Restored	38
Table 7: State-Recognized Tribes Identified by States That Are Not Federally Recognized, as of September 2011	39
Table 8: Non-Federally Recognized Tribes That GAO Identified as Having Received Federal Funding before Fiscal Year 2007	44
Table 9: Federal Programs with Explicit Statutory or Regulatory Authority to Fund State-Recognized Tribes and Tribes on or in Proximity to State Reservations or Rancherias	50

Abbreviations

BIA	Bureau of Indian Affairs
CFDA	Catalog of Federal Domestic Assistance
DUNS	Data Universal Numbering System
HHS	Department of Health and Human Services
HUD	Department of Housing and Urban Development
OMB	Office of Management and Budget

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United States Government Accountability Office
Washington, DC 20548

April 12, 2012

The Honorable Dan Boren
House of Representatives

Dear Mr. Boren:

Federal recognition of Indian tribes confers specific legal status on these tribes and imposes certain responsibilities on the federal government, such as an obligation to provide the tribes and their members with certain benefits. As far back as the 17th century, some tribes developed relationships with colonial governments by, for example, signing treaties or residing on reservations established by these colonial governments. The federal government has signed treaties with or taken other actions to recognize Indian tribes, although some tribes have never developed a formal relationship with the federal government. Changes in federal Indian policy throughout U.S. history have influenced which tribes are recognized today by the federal government. In this report, we refer to those groups that self-identify as Indian tribes but are not recognized by the federal government as *non-federally recognized tribes*.¹

You asked us to report on federal funding for non-federally recognized tribes. Accordingly, this report addresses (1) the key means by which non-federally recognized tribes have been eligible for federal funding and (2) the amount of federal funding awarded to non-federally recognized tribes for fiscal years 2007 through 2010, by agency and program. In addition, this report provides information about some cases we identified during our work concerning non-federally recognized tribes' eligibility for funding and compliance with federal financial reporting requirements.

To address these objectives, we first compiled a list of approximately 400 non-federally recognized tribes in the contiguous 48 states from a variety of information sources, such as data collected by the Department of the Interior (Interior), and information provided to us by officials from

¹We use the term "non-federally recognized tribes" in this report in order to convey that these entities self-identify as Indian tribes even though Department of the Interior regulations use the term "Indian group" to refer to any Indian aggregation within the continental United States that the Secretary of the Interior does not acknowledge to be an Indian tribe.

selected states.² We identified, from sources including information collected by Interior's Indian Arts and Crafts Board and the U.S. Census Bureau, a list of 15 states that were most likely to have state-recognized tribes within their borders. We reached out to officials in each of the 15 states to confirm the presence of state-recognized tribes in these states. On the basis of our interviews with state officials we determined that 12 of the 15 states had state-recognized tribes. For the other 33 states, we largely relied on information provided by these states to Interior's Indian Arts and Crafts Board. According to this information, these states had identified no state-recognized tribes within their borders that were not also federally recognized. We spot-checked this information by contacting 20 states for which we were able to identify a state official who could respond to our questions, and 9 of these states responded to our inquiry and confirmed that they did not have any state-recognized tribes.

To determine which non-federally recognized tribes had received funding and identify the programs that had provided funding to them for fiscal years 2007 through 2010, we searched publicly available funding data at USAspending.gov and reviewed agency-provided data.³ For each program we identified as having awarded funding to non-federally recognized tribes for this period, we reviewed the authorizing statutes, program regulations, and eligibility requirements to identify the key means by which non-federally recognized tribes would have been eligible for federal funding from these programs. In addition, we collected information about the organizational and legal status of each entity and compared this information with program eligibility requirements. For example, we determined which of these non-federally recognized tribes are also organized as nonprofit organizations. When a non-federally recognized tribe was eligible to receive federal funding from a program through several means, we did not attempt to single out the means by which the

²We excluded Alaska and Hawaii because of their unique histories and circumstances. See our complete scope and methodology in appendix I for more detailed information about why we excluded Alaska and Hawaii.

³In December 2007, the Office of Management and Budget launched USAspending.gov, a publicly accessible website containing data on federal awards, to comply with the requirements of the Federal Funding Accountability and Transparency Act of 2006, which, according to a relevant Senate committee report, is intended to increase the transparency and accountability of federal government expenditures by providing access to information on federal funding awards through a single, searchable, publicly available website.

tribe qualified for the funding it received. We limited the scope of our review to federal funding awarded directly to non-federally recognized tribes and excluded federal funding provided through loans or procurement contracts.

From the information we obtained from USAspending.gov and from the federal agencies, we compiled the total amount of federal funding awarded to non-federally recognized tribes for fiscal years 2007 through 2010, by agency and program. We assessed the reliability of this information by, for example, testing for missing data and outliers and comparing USAspending.gov data against agency information and financial reports filed by selected non-federally recognized tribes. Where we identified inconsistencies in these data, we worked with knowledgeable agency officials to update the data set. After taking these steps, we concluded that the updated data set was reliable for the purpose of estimating the amount of funding awarded by federal agencies to non-federally recognized tribes for fiscal years 2007 through 2010.

During our review, as we were comparing programs' eligibility requirements with the characteristics of the non-federally recognized tribes that received federal funding, we identified some instances where federal agencies had made grants to likely ineligible non-federally recognized tribes and where an agency had initiated actions to enforce federal financial reporting requirements. This report provides information on the three cases we identified as part of this analysis. Appendix I describes our scope and methodology in more detail.

We conducted this performance audit from June 2011 through April 2012, in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Federally recognized tribes have a government-to-government relationship with the United States and are eligible to receive certain protections, services, and benefits by virtue of their unique status as Indian tribes.⁴ Federal Indian policy—which has undergone significant changes since the end of the colonial era—has influenced how the federal government has recognized and currently recognizes tribes:

- *Treaty, reservations, and removal era.* During this period, the federal government entered into treaties with Indian tribes to, for example, establish peace, fix land boundaries, and establish reservations. For some federally recognized Indian tribes, treaties provided the basis for subsequent actions that established their recognition.
- *Assimilation era.* The Act of February 8, 1887, commonly referred to as the General Allotment Act or the Dawes Act, was a comprehensive congressional attempt to change the role of Indians in American society by encouraging assimilation through individual land ownership.⁵ Under this policy, tribes surrendered tribally owned land for individual allotments of land and, in some cases, surplus land was sold to white settlers. As a result of this policy, the total amount of tribal land in the United States was reduced by about 90 million acres.
- *Indian Reorganization Act of 1934.* In the 1930s and 1940s, federal Indian policies generally reflected a shift away from assimilation policies toward increased tolerance and respect for traditional aspects of Indian culture. The Indian Reorganization Act of 1934 encouraged economic development, self-determination, cultural pluralism, and the revival of tribalism.⁶ Specifically, the act permitted tribes to adopt constitutions and organize into federally recognized Indian tribes, including tribes without a common linguistic, cultural, or political heritage that lived together on one reservation.

⁴For example, the Department of the Interior's Indian Affairs Programs—which includes programs administered by Interior's Bureau of Indian Affairs (BIA) and Bureau of Indian Education—provides services to federally recognized Indian tribes and their members and had a budget of \$2.94 billion for fiscal year 2011.

⁵Act of February 8, 1887, ch. 119, 24 Stat. 388 (1887) (known as the General Allotment Act or Dawes Act).

⁶Act of June 18, 1934, ch. 576, 48 Stat. 984 (1934) (known as the Indian Reorganization Act or Wheeler-Howard Act).

- *Termination era.* On August 1, 1953, Congress adopted House Concurrent Resolution 108, which established a policy of making Indians “subject to the same laws and entitled to the same privileges and responsibilities” that apply to other citizens and declared that Indian tribes and their members “should be freed from Federal supervision and control.” Subsequently, in the 1950s and 1960s, the federal government terminated its government-to-government relationships with a number of tribes. Congress has since restored government-to-government relationships with 38 tribes that were terminated during the termination era (see app. II for more information about terminated and restored tribes).
- *Self-determination era.* Since the 1970s, the federal government has adopted policies to promote the practical exercise of tribes’ inherent sovereign powers, including fostering economic development of Indian land and encouraging self-determination of Indian affairs. For example, the Indian Self-Determination and Education Assistance Act of 1975 enables federally recognized Indian tribes to administer certain federal programs for Indians, which were previously administered by the federal government on their behalf.⁷

In 1977, the American Indian Policy Review Commission reported that “[t]he distinction the Department of the Interior draws between the status of recognized and unrecognized tribes seems to be based merely on precedent—whether at some point in a tribe’s history it established a formal political relationship with the Government of the United States.”⁸ The commission identified 133 non-federally recognized tribes. At that time, no administrative process was in place for these non-federally recognized tribes to seek federal recognition. In 1978, Interior established

⁷Pub. L. No. 93-638 (1975), *codified as amended at* 25 U.S.C. §§ 450 to 458ddd-2.

⁸American Indian Policy Review Commission, *Final Report Submitted to Congress*, May 17, 1977, vol. I (Washington, D.C.: 1977), at 462. The purpose of the commission was to conduct a comprehensive review of the historical and legal developments underlying the Indians’ unique relationship with the federal government to determine the nature and scope of necessary revisions in the formulation of policy and programs for the benefit of Indians.

an administrative acknowledgment process by which Indian groups could submit a petition to seek federal recognition.⁹

Interior maintains a list of entities that have submitted a letter of intent to petition for federal recognition or have initiated the administrative acknowledgment process by submitting a complete petition. This list includes at least 350 entities, according to Interior's Office of Federal Acknowledgment. The process of developing a complete petition is expensive and may take years. Consequently, as we reported in November 2001, and as of April 2011, most of these entities have not yet submitted a complete petition.¹⁰ A complete petition must include information on seven criteria established in the regulations governing Interior's administrative acknowledgment process. For example, the entity must submit evidence that it has been identified as an American Indian entity on a substantially continuous basis since 1900 and that it has maintained political influence or authority over its members as an autonomous entity from historic times until the present.

Since 1979, Interior's Bureau of Indian Affairs (BIA) has regularly published a list of federally recognized Indian tribes in the *Federal Register*. The most recent list, published in October 2010, listed 565 federally recognized Indian tribes—340 in the contiguous United States and 225 in Alaska.¹¹ In addition, on January 3, 2012, Interior reaffirmed the Tejon Indian Tribe of California's federal recognition,

⁹Interior's administrative acknowledgment process is governed by 25 C.F.R. pt. 83 (Procedures for Establishing That an American Indian Group Exists as an Indian Tribe). Since the American Indian Policy Review Commission report in 1977, action has been taken on an estimated 33 of the 133 non-federally recognized tribes listed in the report. Specifically, an estimated 21 tribes have since become federally recognized through a variety of means, including Interior's administrative acknowledgment process, and potentially 12 have been denied federal recognition through Interior's administrative acknowledgment process. Because some tribal names used in the report differ from current tribal names, it is difficult to determine with certainty whether action has been taken on some tribes listed in the report.

¹⁰GAO, *Indian Issues: Improvements Needed in Tribal Recognition Process*, GAO-02-49 (Washington, D.C.: Nov. 2, 2001).

¹¹75 Fed. Reg. 60810 (Oct. 1, 2010); supplemented by 75 Fed. Reg. 66124 (Oct. 27, 2010).

making it the 566th federally recognized Indian tribe.¹² Non-federally recognized tribes can generally seek federal recognition through Interior's administrative acknowledgment process or through other means, such as congressional action. For example, the Lumbee Tribe of North Carolina—which was the subject of legislation but not federally recognized in 1956¹³—petitioned Interior for recognition and has also sought recognition through legislation.¹⁴ As of April 29, 2011, 17 entities had been granted federal recognition through Interior's administrative acknowledgment process, and 32 had been denied.¹⁵ Federal recognition of the Shinnecock Indian Nation in New York—the tribe most recently recognized through Interior's administrative acknowledgment process—became effective on October 1, 2010.¹⁶

Non-Federally Recognized Tribes

No official list of non-federally recognized tribes similar to BIA's list of federally recognized Indian tribes exists. Non-federally recognized tribes fall into two distinct categories: (1) state-recognized tribes that are not also federally recognized and (2) other groups that self-identify as Indian tribes but are neither federally nor state recognized.

¹²Interior reaffirmed federal recognition of the Tejon Indian Tribe of California because an administrative error had resulted in the tribe's exclusion from BIA's list of federally recognized tribes for several years. The Tejon Indian Tribe of California was not recognized under Interior's administrative acknowledgment process governed by 25 C.F.R. pt. 83.

¹³Act of June 7, 1956, ch. 375, 70 Stat. 254 (1956) (known as the Lumbee Act of 1956). In 1988, the Office of the Solicitor of the Department of the Interior determined that the Lumbee Act of 1956 did not provide federal recognition of the Lumbee Indians as a tribe. See also Lumbee Indians of North Carolina, 58 Comp. Gen. ¶ 699, B-185659 (Aug. 1, 1979) (the act constitutes neither congressional recognition of the Lumbees as Indians for the purpose of establishing eligibility for federal benefits nor congressional direction that they be denied benefits if otherwise entitled); *Maynor v. Morton*, 510 F.2d 1254, 1258 (D.C. Cir. 1975) (Congress was very careful not to confer by this legislation any special benefits on these people so designated as Lumbee Indians).

¹⁴In 1989, Interior's Office of the Solicitor determined that the Lumbee Act of 1956 terminated or forbade a federal relationship with the Lumbee Tribe of North Carolina, and therefore the regulations for Interior's administrative acknowledgment process precluded the Lumbee Tribe of North Carolina from petitioning for recognition through that process.

¹⁵A total of 71 petitions have been resolved as of April 29, 2011—49 through Interior's administrative acknowledgment process, 3 by other Interior actions, 9 by congressional action, and 10 by other means.

¹⁶75 Fed. Reg. 66124 (Oct. 27, 2010).

State-Recognized Tribes

Twelve state governments officially recognize one or more non-federally recognized tribes within their borders, according to state officials we spoke with. Each state government determines which groups in the state, if any, should be recognized. Some of these 12 states—such as North Carolina and South Carolina—have formalized their procedures for recognizing tribes, while other states—such as Massachusetts—have not. For example, North Carolina’s Commission of Indian Affairs and South Carolina’s Commission for Minority Affairs have promulgated regulations outlining the process for entities seeking recognition in those states. Furthermore, some states have established state reservations that are not also federal Indian reservations. No federal agency maintains a list of state-recognized tribes and their reservations, but the U.S. Census Bureau collected information about state-recognized tribes as part of its effort to designate American Indian Areas for the Decennial Census of 2010. The U.S. Census Bureau considers an Indian tribe to be state recognized if it is specifically recognized by a state government through treaty (with, for example, 1 of the original 13 colonial assemblies), state legislation, or other formal process. (See app. III for a list of state-recognized tribes that are not federally recognized and more detailed information about how we compiled this list.)

In some instances, representatives of state governments have acknowledged the existence of a tribe or its members in the state, but the state has not officially recognized the tribe. Forms of acknowledgment may include a governor’s proclamation or legislative resolution. For example, in March 2009 the Texas Senate and House of Representatives each adopted a simple resolution (voted on only by the house in which it was introduced and not sent to the Governor to sign) to commend and recognize the Lipan Apache Tribe of Texas. The resolution stated that the tribe is the present-day incarnation of the clans, bands, and divisions historically known as the Lipan Apaches, who have lived in Texas and Northern Mexico for 300 years. According to Texas officials, such simple resolutions do not go beyond the bounds and the authority of the house that acts on it and do not officially establish any group as a state-recognized tribe. In another example, the California Native American Heritage Commission maintains a list of organized tribal governments in that state—including both federally recognized Indian tribes and non-federally recognized tribes. Despite acknowledging these organized tribal governments and requiring cities and counties to consult with them under certain circumstances, California does not have a process for officially recognizing non-federally recognized tribes, according to a state official we spoke with.

Other Self-Identified Tribes

A number of other groups self-identifying as Indian tribes are not federally or state recognized. These include groups in each of the following categories:

- groups self-identifying as Indian tribes that have initiated but not yet completed Interior's administrative acknowledgment process,
- groups self-identifying as Indian tribes that have been denied federal recognition through Interior's administrative acknowledgment process,
- Indian tribes whose status as a federally recognized Indian tribe was terminated by the federal government and has not been restored, and
- other entities that self-identify as Indian tribes.

The Single Audit Act's Financial Reporting Requirements

The purpose of the Single Audit Act of 1984, as amended, was, among other things, to promote sound financial management, including effective internal controls, with respect to federal awards administered by nonfederal entities.¹⁷ Under the act, certain nonfederal entities—such as a state, local government, Indian tribe, or nonprofit organization—that expend \$500,000 or more in federal awards in a fiscal year must have an audit conducted in accordance with Office of Management and Budget (OMB) Circular No. A-133 and submit a report regarding the audit to the Federal Audit Clearinghouse Single Audit Database.¹⁸ OMB Circular No. A-133 sets forth standards for obtaining consistency and uniformity among federal agencies for the audit of nonfederal entities expending federal awards. Audits of nonfederal entities' financial statements and schedule of expenditures of federal awards must be conducted by an independent auditor in accordance with generally accepted government auditing standards. The report on the audit provides information about the nonfederal entity, its federal programs, and the results of the audit.

¹⁷Pub. L. No. 98-502 (1984), amended by Pub. L. No. 104-156 (1996), codified as amended at 31 U.S.C. §§ 7501-7507.

¹⁸The U.S. Census Bureau, in the Department of Commerce, maintains the Federal Audit Clearinghouse Single Audit Database that contains summary information on completed single audits, including information on the auditor, the recipient and its federal programs, and the audit results. It is available at <https://harvester.census.gov/fac/>.

Audits are to be completed and the requisite report submitted within the earlier of 30 days after receipt of the auditor's report or 9 months after the end of the audit period. The federal agency that provides an award directly to the recipient (known as the federal awarding agency) is generally responsible for ensuring that audits for the federal awards it makes are completed and reports are received in a timely manner and in accordance with OMB Circular No. A-133. In cases of continued inability or unwillingness to have an audit conducted, OMB Circular No. A-133 directs federal agencies to take appropriate actions using sanctions such as:

- withholding a percentage of federal awards until the audit is completed satisfactorily,
- withholding or disallowing overhead costs,
- suspending federal awards until the audit is conducted, or
- terminating the federal award.

Most Non-Federally Recognized Tribes That Received Federal Funding Were Eligible as Nonprofit Organizations or State-Recognized Tribes

Of the list of about 400 non-federally recognized tribes that we compiled, we identified 26 that received federal funding for fiscal years 2007 through 2010. Most of the 26 non-federally recognized tribes were eligible for these funds because of their status as a nonprofit or state-recognized tribe (24 out of 26). Most of the 24 federal programs that provided this funding were authorized to fund either nonprofits or state-recognized tribes (18 out of 24). Other non-federally recognized tribes that received funding but were not nonprofits or state-recognized tribes were awarded funding through programs that had authority to fund other types of entities.

For Fiscal Years 2007 through 2010, 26 Non-Federally Recognized Tribes Received Federal Funding

Out of the approximately 400 non-federally recognized tribes that we identified, we determined that 26 non-federally recognized tribes had received federal funding for fiscal years 2007 through 2010. Twenty-four of these 26 non-federally recognized tribes were organized as nonprofit organizations (see table 1).¹⁹ As nonprofits, these 24 non-federally recognized tribes would be eligible to receive federal funding from any program authorized to fund nonprofits. As we have reported in the past, the federal government is increasingly partnering with nonprofit organizations because nonprofits bring many strengths, such as flexibility to respond to needs and access to those needing services, and in fiscal year 2006, about 700 federal programs provided funding for nonprofits.²⁰ In addition, we found that 14 of the 26 non-federally recognized tribes that received funding over the 4-year period were state-recognized tribes and would be eligible to receive funding from programs specifically authorized to fund state-recognized tribes. (See app. IV for information about the nonprofit and state-recognition status of non-federally recognized tribes we identified as having received federal funding before fiscal year 2007.)

¹⁹For purposes of this review, we define a nonprofit organization as any organization having federal tax-exempt status as approved by the Internal Revenue Service under section 501(a) of the Internal Revenue Code. This category includes all organizations covered under section 501(c) of the Internal Revenue Code, such as charities, social welfare organizations, and chambers of commerce.

²⁰GAO, *Nonprofit Sector: Significant Federal Funds Reach the Sector through Various Mechanisms, but More Complete and Reliable Funding Data Are Needed*, GAO-09-193 (Washington, D.C.: Feb. 26, 2009), and *Nonprofit Sector: Increasing Numbers and Key Role in Delivering Federal Services*, GAO-07-1084T (Washington, D.C.: July 24, 2007).

Table 1: Nonprofit and State-Recognition Status of 26 Non-Federally Recognized Tribes That Received Direct Federal Funding, Fiscal Years 2007 through 2010

Tribe name	City	State	Nonprofit ^a	State recognized ^b	Status in Interior's administrative acknowledgment process ^c
Accohannock Indian Tribe	Marion Station	MD	✓		Petitioner #149. Letter of intent submitted on Jan. 18, 1995.
American Indian Council of Mariposa County (petitioned as Southern Sierra Miwuk Nation)	Mariposa	CA	✓		Petitioner #82. Petition under active consideration since Nov. 1, 2010.
Burt Lake Band of Ottawa and Chippewa Indians, Inc.	Brutus	MI	✓		Petitioner #101. Denied, effective Jan. 23, 2007.
Choctaw-Apache Tribe of Ebarb	Zwolle	LA	✓	✓	Petitioner #37. Letter of intent submitted on July 2, 1978.
Coharie Tribe of North Carolina	Clinton	NC	✓	✓	Petitioner #74. Letter of intent submitted on Mar. 13, 1981.
Duwamish Tribe	Seattle	WA	✓		Petitioner #25. Denied, effective May 8, 2002.
Eel River Tribe of Indiana	Chalmers	IN			^d
Euchee (Yuchi) Tribe of Indians	Sapulpa	OK	✓		^e
Haliwa-Saponi Indian Tribe of North Carolina	Hollister	NC	✓	✓	Petitioner #63. Letter of intent submitted on Nov. 27, 1979.
Lower Muskogee Creek Tribe	Whigham	GA	✓	✓ ^f	Petitioner #8. Denied, effective Dec. 21, 1981.
Lumbee Tribe of North Carolina	Pembroke	NC	✓	✓	Petitioner #65. Deemed ineligible to apply on Oct. 23, 1989.
Mashpee Wampanoag Tribe ^g	Mashpee	MA	✓	✓	Petitioner #15. Recognized, effective May 23, 2007.
MOWA Band of Choctaw Indians	Mount Vernon	AL	✓ ^h	✓ ⁱ	Petitioner #86. Denied, effective Nov. 26, 1999.
Nanticoke Indian Association	Millsboro	DE	✓	✓	Petitioner #40. Requested petition be placed on hold on Mar. 25, 1989.
Nanticoke Lenni-Lenape Indians of New Jersey	Bridgeton	NJ	✓	✓	Petitioner #127. Letter of intent submitted on Jan. 3, 1992.
Occaneechi Band of Saponi Nation of North Carolina	Mebane	NC	✓	✓	Petitioner #148. Letter of intent submitted on Jan. 6, 1995.
Powhatan Renape Nation	Rancocas	NJ		✓	Petitioner #171. Letter of intent submitted on Apr. 12, 1996.
Saponi Nation of Missouri Mahenips Band	Willow Springs	MO	✓		Petitioner #220. Letter of intent submitted on Dec. 14, 1999.
Sappony (High Plains Indians, petitioned as Indians of Person County)	Roxboro	NC ^j	✓	✓	Petitioner #95. Letter of intent submitted on Sept. 7, 1984.
Shinnecock Indian Nation ^g	Southampton	NY	✓	✓ ⁱ	Petitioner #4. Recognized, effective Oct. 1, 2010.

Tribe name	City	State	Nonprofit ^a	State recognized ^b	Status in Interior's administrative acknowledgment process ^c
St. Francis/Sokoki Band of Abenakis of Vermont Abenaki Tribal Council	Swanton	VT	✓		Petitioner #68. Denied, effective Oct. 1, 2007.
Tuscarora Nation of Indians of the Carolinas	Newell	NC	✓		Petitioner #286. Letter of intent submitted on Dec. 21, 2004.
United Cherokee Ani-Yun-Wiya Nation	Guntersville	AL	✓	✓	Petitioner #246. Letter of intent submitted on Nov. 8, 2001.
United Houma Nation	Golden Meadow	LA	✓	✓	Petitioner #56. Proposed negative finding published Dec. 22, 1994.
Waccamaw Siouan Tribe of North Carolina	Bolton	NC	✓	✓	Petitioner #88. Letter of intent submitted on June 27, 1983.
Wesget Sipu	Fort Kent	ME	✓		Petitioner #256. Letter of intent submitted on June 4, 2002.
Total			24	14	

Sources: The Internal Revenue Service for information about nonprofit status, state officials for information about state-recognition status, and GAO analysis of information from Interior's Office of Federal Acknowledgment for petitioner status.

Note: This table does not include non-federally recognized tribes outside the contiguous United States, such as those in Alaska or Hawaii.

^aNon-federally recognized tribes that were organized as nonprofits at any time in fiscal years 2007 through 2010 are indicated by a check mark.

^bNon-federally recognized tribes that were state recognized at any time in fiscal years 2007 through 2010 are indicated by a check mark.

^cStatus of the entity's efforts to petition for federal recognition through Interior's administrative acknowledgment process as of April 29, 2011.

^dThis entity may be associated with petitioner #304 (Eel River Tribe Inc. of Indiana), located in Lafayette, Indiana, which submitted a letter of intent to petition on September 13, 2006.

^eThis entity may be associated with petitioner #121 (Yuchi Tribal Organization), which was denied acknowledgment, effective March 21, 2000.

^fThis state-recognized tribe also has a state reservation, according to state officials we spoke with, and therefore would be eligible to receive funding from those federal programs that are authorized to fund tribes located on or in proximity to state reservations.

^gTwo federally recognized Indian tribes—the Mashpee Wampanoag Tribe and the Shinnecock Indian Nation—received federal funding during this period before the effective date of their federal recognition—May 23, 2007, and October 1, 2010, respectively. Both of these entities were state recognized for some or all of the period of our review, and the Shinnecock Indian Nation has a state reservation. Therefore, the Shinnecock Indian Nation would have been eligible to receive funding from those federal programs that are authorized to fund tribes located on or in proximity to state reservations.

^hAccording to the Internal Revenue Service, this non-federally recognized tribe's nonprofit status was automatically revoked, effective May 15, 2010, because the entity had not submitted required nonprofit tax return information for 3 consecutive years.

ⁱWith respect to two entities in New Jersey—the Nanticoke Lenni-Lenape Indians of New Jersey and the Powhatan Renape Nation—a number of sources, including the 2010 Census and the entities' websites, imply that they are state-recognized tribes. Nevertheless, it is the official position of the state of New Jersey that there are not, and were not during the period of our review, any state-recognized tribes in that state.

^jThis entity is also located in Virgilina, VA.

Of the 26 non-federally recognized tribes that received federal funding over the 4-year period, 2—Eel River Tribe of Indiana and the Powhatan Renape Nation—were neither nonprofits nor state-recognized tribes at any time in fiscal years 2007 through 2010. Federal grants awarded to these two entities are described later in this report.

As of April 29, 2011, at least 24 of the 26 non-federally recognized tribes have pursued, or expressed an interest in pursuing, federal recognition through Interior's administrative acknowledgment process. Of these 24 entities, 13 have submitted letters of intent to petition for federal recognition and have advanced no further in the process, 5 have been denied, 2 have received federal recognition, 1 had a proposed negative finding published in December 1994, 1 has been under active consideration since November 2010, 1 was deemed ineligible to apply through the administrative acknowledgment process, and 1 requested that its petition be placed on hold.

**For Fiscal Years 2007
through 2010, 24 Federal
Programs Provided
Funding to Non-Federally
Recognized Tribes**

We identified 24 federal programs that provided funding to the 26 non-federally recognized tribes for fiscal years 2007 through 2010. Specifically, of the 24 programs we identified, 11 programs were authorized to fund nonprofits, 6 had explicit statutory or regulatory authority to fund state-recognized tribes, 1 had authority to fund tribes located on state reservations, and 1 was authorized to fund state-recognized tribes on state reservations. See table 2 for information on the 24 programs, including their assigned number from the Catalog of Federal Domestic Assistance (CFDA). This catalog is administered by the General Services Administration, and it provides information on federal domestic assistance programs, including grant programs.²¹ (See also app. V for a list of all federal programs with explicit statutory or regulatory authority to fund state-recognized tribes.) Some of these 24 programs were also authorized to fund other eligible entities, and in some cases non-federally recognized tribes could have received funding if they met the eligibility requirements for the other entities.

²¹The CFDA is a governmentwide compendium for descriptions of federal programs that provide assistance to the American public. The CFDA data are available on the web at <https://www.cfda.gov>.

Table 2: Statutory or Regulatory Authority of 24 Programs Awarding Funding to Non-Federally Recognized Tribes, Fiscal Years 2007 through 2010

Agency and program	CFDA number(s) ^a	Nonprofits	State-recognized tribes
Department of Agriculture			
Rural Housing Preservation Grants	10.433	✓	^b
Rural Business Enterprise Grants ^c	10.769	✓	
Department of Commerce			
Grant Program for Community Alert Systems	11.468		
Department of Housing and Urban Development			
Rural Housing and Economic Development	14.250	✓	
Economic Development Initiative-Special Project, Neighborhood Initiative and Miscellaneous Grants ^d	14.251		
Indian Community Development Block Grant Program (includes Recovery Act funding)	14.862 14.886		^b
Indian Housing Block Grants (includes Recovery Act formula and competitive grants)	14.867 14.882 14.887		✓ ^e
Department of the Interior			
Cultural Resources	15.946	✓ ^f	
Department of Labor			
Native American Employment and Training (includes Recovery Act funding)	17.265	^g	✓ ^g
Department of the Treasury			
Community Development Financial Institutions Fund (includes Recovery Act funding)	21.020		
Department of Education			
Indian Education Formula Grants to Local Educational Agencies	84.060		✓ ^h
American Indian Vocational Rehabilitation Services Program	84.250		ⁱ
Small, Rural School Achievement Program	84.358A		
Department of Health and Human Services			
Low-Income Home Energy Assistance	93.568		✓
Community Services Block Grant Program (includes Recovery Act funding)	93.569 93.710		✓
Community Services Block Grant Program (discretionary awards)	93.570	✓	
Administration for Native Americans' Improvement of the Capability of Tribal Governing Bodies to Regulate Environmental Quality	93.581		✓
Administration for Native Americans' Preservation and Enhancement of Native American Languages Program ^j	93.587	✓	
Job Opportunities for Low-Income Individuals	93.593	✓	
Head Start (includes Recovery Act funding)	93.600 93.708	✓	

Agency and program	CFDA number(s) ^a	Nonprofits	State-recognized tribes
Administration for Native Americans' Social and Economic Development Strategies Program ^f	93.612	✓	
Environmental Protection Agency			
Surveys, Studies, Investigations, Training and Special Purpose Activities Relating to Environmental Justice ^g	66.309		
Corporation for National and Community Service			
Retired and Senior Volunteer Program	94.002	✓	
Volunteers in Service to America	94.013	✓	
Total	24 programs	11 programs	6 programs

Sources: GAO and agency legal research.

^aThe Catalog of Federal Domestic Assistance (CFDA) details program descriptions for more than 2,000 federal assistance programs, and a unique CFDA number is assigned to each program. At least some federal programs that awarded funding appropriated by the American Recovery and Reinvestment Act of 2009 (Recovery Act) have a unique CFDA number to track Recovery Act funds. The table above includes relevant CFDA numbers for each program—including those for Recovery Act funding. CFDA numbers for funds appropriated in whole or in part by the Recovery Act are italicized.

^bEligible recipients include Indian tribes that were eligible under the State and Local Fiscal Assistance Act of 1972. To have been eligible under the act, Indian tribes needed a "recognized governing body which performed substantial governmental functions." We identified six currently non-federally recognized tribes that received funding under this act: (1) Golden Hill Paugussett Tribe, (2) Mattaponi Tribe, (3) Paucatuck Eastern Pequot, (4) Pamunkey Indian Tribe, (5) Poospatuck (Unkechaugue) Indian Nation, and (6) Schaghticoke Tribal Nation. All six of these non-federally recognized tribes are state recognized, and none of them received funding during the 4-year period covered by our review. We identified five federally recognized tribes that received funding under the State and Local Fiscal Assistance Act of 1972 before they became federally recognized, including the Shinnecock Indian Nation.

^cThis program is authorized to fund Indian tribes on state reservations.

^dThe Shinnecock Indian Nation, a state-recognized tribe before becoming a federally recognized Indian tribe on October 1, 2010, received an Economic Development Initiative grant from the Department of Housing and Urban Development because of congressional direction in a committee report accompanying an appropriations act.

^eTo be eligible, a state-recognized tribe's housing authority must also have had a contract with the Department of Housing and Urban Development under the Housing Act of 1937 before October 26, 1996, and received funding under that contract between October 26, 1991, and October 26, 1996.

^fThe National Park Service has authority to enter into cooperative agreements with private nonprofit organizations and other entities.

^gTo be eligible, a state-recognized tribe or tribal organization must serve individuals who were eligible under section 401 of the Job Training Partnership Act. 65 Fed. Reg. 49373 (Aug. 11, 2000). In addition, the tribe or tribal organization must have legal status as a government or as an agency of a government, or private non-profit corporation in order to be eligible.

^hTo be eligible, a state-recognized tribe must represent not less than one-half of the eligible Indian children who are served by a local educational agency that has not established a required Indian parents committee.

ⁱTo be eligible, a tribe must be both state recognized and have a state reservation.

^jCategories of eligible organizations also include incorporated non-federally recognized tribes.

^kThe Environmental Protection Agency awards environmental justice grants pursuant to research and development provisions in various statutes, such as the Clean Water Act and the Solid Waste Disposal Act. For example, the Clean Water Act authorizes research, investigation, and demonstration grants to public or nonprofit private agencies, institutions, organizations, and individuals. Although eligible grantees vary among the statutes, none of the statutes explicitly authorize funding to non-federally recognized tribes or state-recognized tribes.

Examples of the 24 federal programs that awarded funding to non-federally recognized tribes in the 4-year period and that are authorized to fund nonprofit organizations that meet all applicable eligibility requirements include the following:

- the Rural Business Enterprise Grants program, administered by the Department of Agriculture, which has statutory authority to fund public bodies, including Indian tribes on state reservations, and private nonprofit corporations for measures designed to finance and facilitate development of small and emerging private business enterprises, among other measures;
- the Job Opportunities for Low-Income Individuals program, administered by the Department of Health and Human Services (HHS), which has statutory authority to enter into agreements with nonprofits for the purpose of conducting projects that provide technical and financial assistance to private employers that assist them in creating jobs for low-income individuals; and
- the Retired and Senior Volunteer Program, administered by the Corporation for National and Community Service, which has statutory authority to make grants to or contract with nonprofits to support programs for certain volunteer service projects for senior citizens.

Six of the 24 programs were not authorized to fund either nonprofits or state-recognized tribes, but non-federally recognized tribes received funding under these programs for other reasons. For example, the Department of Housing and Urban Development's (HUD) Economic Development Initiative-Special Project program awarded funding to the Shinnecock Indian Nation as a result of congressional direction in a committee report accompanying an appropriations act before the tribe was federally recognized.²² In another example, the Environmental Protection Agency awards environmental justice grants pursuant to research and development provisions in various statutes, such as the Clean Water Act and the Solid Waste Disposal Act, and some of these statutes authorize broad categories of recipients, such as institutions and organizations. In addition, the Department of Education's (Education) Small, Rural School Achievement Program can provide grants to entities

²²Pub. L. No. 111-8, 123 Stat 524, 959 (2009); 155 Cong. Rec. H2089, H2519 (Feb. 23, 2009).

as local education agencies, and the Haliwa-Saponi Indian Tribe of North Carolina received a grant because it is so organized.

The other three programs that were not authorized to provide funding to nonprofits or state-recognized tribes were authorized to provide funding to the following types of entities:

- Under the Department of Commerce's Remote Community Alert Systems Program, eligible grant recipients include "tribal communities" that meet certain requirements.²³ The Eel River Tribe of Indiana received funding through this program.
- The Indian Community Development Block Grant Program is authorized to fund Indian tribes that were eligible recipients under the State and Local Fiscal Assistance Act of 1972. As explained in appendix V, we identified at least six non-federally recognized tribes that have received funding under the act, as well as five federally recognized Indian tribes that received funding before the effective date of their federal recognition.
- The Community Development Financial Institutions Fund can provide technical assistance grants for activities that enhance the capacity of a community development financial institution, which is an entity that meets the following five criteria: (1) has a primary mission of promoting community development; (2) serves an investment area or targeted population; (3) provides development services in conjunction with equity investments or loans, directly or through a subsidiary or affiliate; (4) maintains, through representation on its governing board or otherwise, accountability to residents of its investment area or targeted population; and (5) is not an agency or instrumentality of the United States, any state, or political subdivision of a state. The Lumbee Revitalization and Community Development Corporation, which was established by the Lumbee Tribe of North Carolina to foster economic development, received funding through this program.

Some non-federally recognized tribes may have been eligible for some of the federal funding they received through several means. For example, a non-federally recognized tribe that was organized as a nonprofit and was

²³The term "tribal communities" is not defined in legislation or the notices of funding availability.

also state recognized may have been eligible to apply for some funding as either a nonprofit or a state-recognized tribe. In these cases, we did not attempt to determine the basis on which the funding was awarded.

Federal Programs Awarded More Than \$100 Million in Funding to Non- Federally Recognized Tribes for Fiscal Years 2007 through 2010

Federal agencies awarded more than \$100 million in funding to the 26 non-federally recognized tribes for fiscal years 2007 through 2010. As shown in table 3, the majority of this funding was awarded to a small number of non-federally recognized tribes. For example, funding to the Lumbee Tribe of North Carolina accounted for about 76 percent of the federal funding that we identified. Overall, the Lumbee Tribe of North Carolina received more than \$78 million awarded by 10 programs in six federal agencies during the 4-year period. Some of this funding was awarded to incorporated entities—such as the Lumbee Regional Development Association—that were created by the Lumbee Tribe of North Carolina to provide services to the Lumbee Indian community. Most of the funding (75 percent) awarded to the Lumbee Tribe of North Carolina was awarded by HUD’s Indian Housing Block Grants program.

Table 3: Direct Federal Funding Received by 26 Non-Federally Recognized Tribes, Fiscal Years 2007 through 2010

Dollars in thousands

Tribe name	Fiscal year				Total
	2007	2008	2009	2010	
Lumbee Tribe of North Carolina ^a	\$16,575	\$15,039	\$27,190	\$19,979	\$78,782
MOWA Band of Choctaw Indians ^b	636	723	2,080	829	4,268
Haliwa-Saponi Indian Tribe of North Carolina ^c	1,180	994	1,104	849	4,128
Coharie Tribe of North Carolina	676	681	930	587	2,874
United Houma Nation	421	433	503	748	2,104
Accohannock Indian Tribe	500	986	441		1,926
Choctaw-Apache Tribe of Ebarb ^d	385	395	416	425	1,621
Waccamaw Siouan Tribe of North Carolina	331	419	416	351	1,517
Lower Muskogee Creek Tribe	357	366	366	375	1,463
Shinnecock Indian Nation ^e	186			790	976
Euchee (Yuchi) Tribe of Indians	118	192	316	122	747
Burt Lake Band of Ottawa and Chippewa Indians, Inc.	91	128	126	122	467
Tuscarora Nation of Indians of the Carolinas	96		134	152	382
St. Francis/Sokoki Band of Abenakis of Vermont Abenaki Tribal Council	80	78	78	78	314
Wesget Sipu			146	160	306
Eel River Tribe of Indiana		99	175		274
American Indian Council of Mariposa County (petitioned as Southern Sierra Miwuk Nation)		12	170	78	260
Sappony (High Plains Indians, petitioned as Indians of Person County)		225			225
Nanticoke Lenni-Lenape Indians of New Jersey	185			23	208
Powhatan Renape Nation	200				200
Duwamish Tribe	107	70			177
Occaneechi Band of Saponi Nation of North Carolina			130		130
United Cherokee Ani-Yun-Wiya Nation		21		77	98
Saponi Nation of Missouri Mahenips Band		65			65
Nanticoke Indian Association	41				41
Mashpee Wampanoag Tribe ^f	33				33
Total	\$22,198	\$20,926	\$34,720	\$25,743	\$103,588

Source: GAO analysis of data from USAspending.gov as of December 14, 2011.

Notes: (1) This table does not include non-federally recognized tribes in states outside the contiguous United States, such as Alaska or Hawaii. (2) Totals may not add because of rounding. (3) Some of the funding identified in the table was used to provide services to members of federally recognized Indian tribes and Native Hawaiians. For example, non-federally recognized tribes that receive Native American Employment and Training grants, contracts, or cooperative agreements must provide services to meet the needs of Indians, Alaska Natives, or Native Hawaiians in the area served by the non-federally recognized tribe.

The Lumbee Tribe of North Carolina and Federal Recognition

The Lumbee Tribe of North Carolina, located in Pembroke, North Carolina, was recognized by North Carolina in state legislation passed in 1953, but has yet to receive recognition by the federal government. The tribe has sought federal recognition through several mechanisms, including the passage of federal legislation. In 1956, legislation was enacted—commonly referred to as the Lumbee Act of 1956—that designated a group of Indians living in North Carolina as the Lumbee Indians of North Carolina; however, the act explicitly stated that it did not make the Indians eligible for any services performed by the United States for Indians because of their status as Indians and that none of the laws affecting Indians because of their status as Indians would apply to the Lumbees. In 1980, the tribe submitted a letter of intent to petition for federal recognition through Interior's administrative acknowledgment process but Interior's Office of the Solicitor subsequently determined that the tribe was ineligible to apply for federal recognition through this process because the Lumbee Act of 1956 terminated or forbade a federal relationship with the Lumbees, and therefore the tribe was not eligible to petition for federal recognition through this process. Since that time, the tribe has continued to seek federal recognition through congressional action, and in recent years legislation has been introduced in both the Senate and the House of Representatives to have the federal government recognize the Lumbee Tribe, which would make the tribe eligible for the special programs and services provided by the United States to Indians because of their status as Indians. With about 55,000 enrolled members, the Lumbee Tribe has more enrolled members than most federally recognized tribes.

^aThis table row includes funding awarded to incorporated entities, such as the Lumbee Regional Development Association, Inc.; the Lumbee Land Development, Inc.; and the Lumbee Revitalization and Community Development Corporation.

^bThis table row includes funding awarded to the MOWA Choctaw Housing Authority.

^cThis table row includes funding awarded to the Haliwa-Saponi Tribal School.

^dThe Choctaw-Apache Tribe of Ebarb received funding on behalf of the Intertribal Council of Central Louisiana, Inc.—a consortium of two state-recognized tribes—which also included the Four Winds Cherokee.

^eThe Shinnecock Indian Nation received federal recognition through Interior's administrative acknowledgment process, effective October 1, 2010. This table includes only funding the tribe received before the effective date of its federal recognition.

^fThe Mashpee Wampanoag Tribe received federal recognition through Interior's administrative acknowledgment process, effective May 23, 2007. This table includes only funding the tribe received before the effective date of its federal recognition.

Similarly, as shown in table 4, nearly all the federal funding we identified as having been awarded to the 26 non-federally recognized tribes over the 4-year period was awarded by a small number of federal programs. Specifically, 95 percent of the funding was awarded by seven federal programs in four agencies. Each of these programs awarded a total of more than \$1.5 million to non-federally recognized tribes during the period. About 67 percent (nearly \$69 million) of the funding we identified was awarded by HUD's Indian Housing Block Grants program.²⁴ Five non-federally recognized tribes have received funding through this program: the Lumbee Tribe of North Carolina (see sidebar), the MOWA Band of Choctaw Indians, the Haliwa-Saponi Indian Tribe of North Carolina, the Coharie Tribe of North Carolina, and the Waccamaw Siouan Tribe of North Carolina. To determine funding amounts for all federally recognized Indian tribes and eligible non-federally recognized tribes, the program uses a formula that considers factors such as the population and housing conditions of tribal communities. Program funds are used to support such activities as housing development.

²⁴Most program recipients are federally recognized Indian tribes. Overall, funding to non-federally recognized tribes accounted for about 2.7 percent of the more than \$2.6 billion in program funds awarded over the 4-year period.

Table 4: Twenty-four Federal Programs That Awarded Funding to Non-Federally Recognized Tribes, Fiscal Years 2007 through 2010

Dollars in thousands

Program	Agency	Number of unique recipients	Funds awarded
Indian Housing Block Grants (includes Recovery Act formula and competitive grants)	Housing and Urban Development	5	\$68,887
Low-Income Home Energy Assistance	Health and Human Services	5	7,074
Head Start (includes Recovery Act funding)	Health and Human Services	1	7,029
American Indian Vocational Rehabilitation Services Program	Education	4	5,915
Native American Employment and Training (includes Recovery Act funding)	Labor	4	4,411
Administration for Native Americans' Social and Economic Development Strategies Program	Health and Human Services	13	3,626
Community Services Block Grant Program (includes Recovery Act funding)	Health and Human Services	5	1,764
Administration for Native Americans' Preservation and Enhancement of Native American Languages Program	Health and Human Services	3	732
Community Services Block Grant Program (discretionary awards)	Health and Human Services	1	686
Indian Community Development Block Grant Program (includes Recovery Act funding)	Housing and Urban Development	1	600
Rural Housing and Economic Development	Housing and Urban Development	1	590
Job Opportunities for Low-Income Individuals	Health and Human Services	1	500
Community Development Financial Institutions Fund (includes Recovery Act funding)	Treasury	1	283
Cultural Resources	Interior	1	260
Remote Community Alert Systems Program	Commerce	1	274
Administration for Native Americans' Improvement of the Capability of Tribal Governing Bodies to Regulate Environmental Quality	Health and Human Services	1	219
Economic Development Initiative-Special Project, Neighborhood Initiative and Miscellaneous Grants	Housing and Urban Development	1	190
Rural Housing Preservation Grants	Agriculture	1	186
Small, Rural School Achievement Program	Education	1	92
Indian Education Formula Grants to Local Educational Agencies	Education	1	90
Rural Business Enterprise Grants	Agriculture	1	80
Retired and Senior Volunteer Program	Corporation for National and Community Service	1	63
Volunteers in Service to America	Corporation for National and Community Service	1	25
Surveys, Studies, Investigations, Training and Special Purpose Activities Relating to Environmental Justice	Environmental Protection Agency	1	10
Total		26	\$103,588

Sources: GAO analysis of data from USAspending.gov as of December 14, 2011, and agency-provided data.

Note: Totals may not add because of rounding.

Agencies Have Funded Some Likely Ineligible Non-Federally Recognized Tribes, and One Agency Is in the Process of Enforcing Single Audit Act Requirements

During our review, we identified some instances where federal agencies had provided funds to non-federally recognized tribes for which grant eligibility is disputed and one instance where an agency is trying to enforce the Single Audit Act's reporting requirements. Specifically, when we compared the eligibility requirements for each federal program that provided funding to non-federally recognized tribes for fiscal years 2007 through 2010 with the characteristics of each entity, we found that Education funded some non-federally recognized tribes under the American Indian Vocational Rehabilitation Services Program that appear to be ineligible and that HHS funded two non-federally recognized tribes in New Jersey that the state does not consider to be state recognized. In addition, we identified one instance where HHS has initiated action to better ensure that a non-federally recognized tribe completes its required financial report under the Single Audit Act.

Under Its American Indian Vocational Rehabilitation Services Program, Education Funded Non-Federally Recognized Tribes That Appear to Have Been Ineligible

Education awarded American Indian Vocational Rehabilitation Services Program funding to two state-recognized tribes that do not have a state reservation—United Houma Nation and the Lumbee Tribe of North Carolina—and a consortium consisting of two additional state-recognized tribes—Choctaw-Apache Tribe of Ebarb and Four Winds Cherokee—that also do not have a state reservation. The statute establishing the program authorizes grants to the governing bodies of state- and federally recognized Indian tribes “located on federal and state *reservations*” and consortia of such governing bodies to pay for vocational rehabilitation services for disabled Indians “residing on or near such *reservations*.”²⁵ Although this program is designed to enhance the availability of vocational rehabilitation services to Indians living on and near reservations, many of whom have been poorly served by state agencies,²⁶ there are substantial questions about whether Education has interpreted the term “reservation” more broadly than its statutory definition supports and has awarded grants to ineligible tribes.

²⁵29 U.S.C. §§ 705(19)(B), 741(a) (emphasis added).

²⁶See 124 Cong. Rec. S2519 (daily ed. Feb. 28, 1978) (statement of Sen. Randolph) (“during oversight hearings on the Rehabilitation Act and other programs, it was brought to the subcommittee’s attention that reservation based Indian tribes may experience unique problems”); S. Rep. No. 95-890, at 13-14 (1978) (the existing Vocational Rehabilitation Act “has proved to be an inadequate means of addressing the problems experienced by reservation-based Indians, particularly those located on reservations spanning more than one state”).

The applicable statutory definition of reservation says:

"The term 'reservation' *includes* Indian reservations, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act."²⁷

Education told us that under its long-standing interpretation of this definition,²⁸ "reservation" includes not only the four categories enumerated in the statute, but also "a defined and contiguous area of land where there is a concentration of tribal members and in which the tribe is providing structured activities and services, such as the tribal service areas identified in the tribe's grant application." Education's interpretation allows a tribe to self-define "reservation" by designating any area and providing structured services to tribal members there. Rules of statutory construction weigh against this interpretation. Under the *noscitur a sociis* rule, words grouped in a list should be given related meaning.²⁹ Courts rely on this rule "to avoid ascribing to one word a meaning so broad that it is inconsistent with its accompanying words, thus giving unintended breadth to the Acts of Congress."³⁰ Applied here, this rule means that to satisfy the statutory definition of "reservation," the area should, like the four areas designated in the statute, be established by or pursuant to a treaty, statute, regulation, executive order, or other formal government recognition. The tribal service areas that constitute "reservations" for purposes of Education's grants to the United Houma Nation, Lumbee Tribe of North Carolina, Choctaw-Apache Tribe of Ebarb, and Four Winds Cherokee, by

²⁷29 U.S.C. § 741(c) (emphasis added). See generally 124 Cong. Rec. S15562 (daily ed. Sept. 20, 1978) (statement of Sen. Bartlett) (because not all the Indians are on federal and state reservations, the Senator offered an amendment, which was enacted, to include a definition of "reservation" that "follows the customary language which defines reservation to include Indian reservations, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act").

²⁸The department did not provide us with any documentation of this long-standing interpretation, and this interpretation differs from the department's regulatory definition. The regulatory definition states that "[r]eservation means"—rather than "includes"—the four categories enumerated in the statute. See 34 C.F.R. § 371.4.

²⁹See, e.g., *Dole v. United Steelworkers of America*, 494 U.S. 26, 36 (1990).

³⁰*Gutafson v. Alloyd Co., Inc.*, 513 U.S. 561, 575 (1995) (citing *Jarecki v. G.D. Searle & Co.*, 367 U.S. 303, 307 (1961)).

contrast, have been delineated by the tribes themselves, which have then applied for federal grants on the basis of these self-created geographic areas. This approach essentially transforms the grant program into one for “Indian tribes no matter where they are located, to provide assistance to disabled Indians no matter where they reside.” Such an outcome is not what Congress intended or enacted.

In addition, the statute’s use of both the term “reservation” and “tribal service area” undercuts Education’s interpretation because it suggests Congress did not believe a tribal service area is simply a type of reservation. The statute authorizes the department to make grants to certain governing bodies of Indian tribes on federal and state reservations and, elsewhere, discusses how Indians with disabilities living on or near a reservation or tribal service area are to be provided vocational rehabilitation services.³¹ If the term “reservation” included the term “tribal service area,” Congress would not have referred to them separately in section 101(a)(11)(F)(ii) of the Rehabilitation Act of 1973, as amended in 1998.³²

³¹ Education makes vocational rehabilitation services grants to both designated state agencies and tribal entities. The latter is referred to as the American Indian Vocational Rehabilitation Services Program. If no tribal entities within a state receive American Indian Vocational Rehabilitation Services grants, Indians eligible for vocational rehabilitation services would be served by the designated state agency. The statute requires the state agency and any tribal entity within the state that has received an American Indian Vocational Rehabilitation Services Program grant to enter into a cooperative agreement that “describes strategies for collaboration and coordination” in providing vocational rehabilitation services to Indians. 29 U.S.C. § 721(a)(11)(F). The cooperative agreement, among other things, must include procedures for ensuring that American Indians who are individuals with disabilities and are living “near a reservation or tribal service area” are provided vocational rehabilitation services. Education believes this provision means the law has equated “reservations” with “tribal service areas.” For the reasons discussed above, we disagree.

³² See, e.g., *Board of Trustees of Leland Stanford Junior University v. Roche Molecular Systems, Inc.*, 131 S.Ct. 2188, 2196 (2011); *Connecticut ex rel. Blumenthal v. U.S. Dept. of Interior*, 228 F.3d 82, 88 (2000) (courts disfavor interpretations of statutes that render language superfluous).

HHS Funded Two Ineligible Non-Federally Recognized Tribes in New Jersey

The state-recognition status of some non-federally recognized tribes in New Jersey has been called into question.³³ The two non-federally recognized tribes in New Jersey that received federal funding in the 4-year period covered by our review were the Nanticoke Lenni-Lenape Indians of New Jersey and the Powhatan Renape Nation. About 30 years ago, the New Jersey legislature passed concurrent resolutions regarding the Confederation of Nanticoke-Lenni Lenape and the Powhatan Renape Nation.³⁴ Concurrent resolutions are not signed by the Governor and therefore do not have the force of law. In addition, these tribes are referred to in a few state statutes, including the statute establishing the New Jersey Commission on Native American Affairs. Since at least December 2001, however, the state of New Jersey has officially taken the position in correspondence with the Department of the Interior that these actions do not constitute official state recognition and therefore these tribes are not considered to be state recognized. In addition, in 2002, New Jersey law was amended to require specific statutory authorization for the recognition of the authenticity of any group as an American Indian tribe. No state laws contain specific statutory authorization for state recognition of any Indian tribe in New Jersey.

Notwithstanding this history, the Nanticoke Lenni-Lenape Indians of New Jersey and the Powhatan Renape Nation continue to consider themselves, and have represented themselves to HHS, as state-recognized tribes in applying for funding awarded by the Community Services Block Grant program and Low-Income Home Energy Assistance program, respectively, during the 4-year period of our review. These programs, however, are authorized to fund only states and federally and state-recognized Indian tribes.³⁵ The Nanticoke Lenni-Lenape's application repeatedly stated that it

³³Alexa Koenig and Jonathan Stein, "Federalism and the State Recognition of Native American Tribes: A Survey of State-Recognized Tribes and State Recognition Processes across the United States," 48 Santa Clara L. Rev. 79, 126-28 (2008).

³⁴A third concurrent resolution was also passed in 1979 regarding the Ramapough Mountain Indians.

³⁵42 U.S.C. § 9906 (state allotments for Community Services Block Grants); 42 U.S.C. § 8623 (state allotments for Low-Income Home Energy Assistance). Under the regulations for both programs, the term *Indian tribe* includes federally recognized Indian tribes and organized groups of Indians that the state in which they reside has expressly determined are Indian tribes or tribal organizations in accordance with state procedures for making such determinations. See 45 C.F.R. § 96.44(b) (Community Services Block Grants); 45 C.F.R. § 96.48(b) (Low-Income Home Energy Assistance).

was state recognized and included the concurrent resolution from the 1980s as evidence of state recognition. Agency officials told us they did not take any additional steps to verify that the entity was in fact state recognized; they also said they have had regular contact with state officials about the awards, and those state officials never told them that the tribe was not state recognized. On the basis of this statement in the grant application, the Nanticoke Lenni-Lenape Indians of New Jersey received two grants totaling \$44,405 from the Community Services Block Grant Program—one in fiscal year 2007 and one in fiscal year 2010.

Regarding the Low-Income Home Energy Assistance program, the Powhatan Renape Nation presented itself as state recognized in a letter submitted with its grant application. Agency officials stated that the entity's state-recognition status would have been verified when it started receiving program funding about 30 years ago. During the 4-year period of our review, the Powhatan Renape Nation received \$200,342 from the Low-Income Home Energy Assistance program in fiscal year 2007.

HHS Has Taken Some Initial Steps in Response to the Accohannock Indian Tribe's Noncompliance with the Single Audit Act

The Accohannock Indian Tribe, one of the non-federally recognized tribes that we identified as receiving federal funds during the period of our review, did not have an audit or submit a report for 2009 as required by the Single Audit Act. According to HHS data, the Accohannock Indian Tribe reported spending over \$1 million in federal funds for calendar year 2009 from three different HHS programs—Community Services Block Grant Program Discretionary Awards, Job Opportunities for Low-Income Individuals, and Administration for Native Americans' Social and Economic Development Strategies Program. The entity's expenditure of federal funds in 2009 was more than twice the threshold that triggers the Single Audit Act's requirements. Unless an exception applied, the entity's audit report would have been due 9 months after the end of the entity's fiscal year, at the latest. Since the entity's fiscal year ends on December 31, its audit report would have been due by September 30, 2010, at the latest. As of February 7, 2012, the Accohannock Indian Tribe had not submitted its required audit report for 2009 to the Federal Audit Clearinghouse, which maintains the Single Audit Database.

HHS is the federal awarding agency responsible for ensuring the entity's compliance with the act because it is the only agency that awarded the Accohannock Indian Tribe federal funds in 2009. The entity's noncompliance with the Single Audit Act was flagged, and the agency sent a letter of inquiry to the Accohannock Indian Tribe on March 8, 2011. According to agency officials, they did not receive a response to their

letter. More recently, after we began inquiring about the issue, the agency sent the entity an Audit Deficiency Notice via certified mail on February 7, 2012. According to agency officials, because the Accohannock Indian Tribe is not a current grantee, the agency has limited enforcement options. Nevertheless, agency officials stated they plan to continue to pursue their administrative options to encourage the Accohannock Indian Tribe to meet its federal financial reporting obligations.

Conclusions

Determining the state-recognition status of non-federally recognized tribes can be a difficult and confusing task, as is trying to determine which entities have state reservations. No official consolidated list of state-recognized tribes or state reservations exists, and states have varying policies and procedures for providing state recognition. Nevertheless, Education provided funds under the American Indian Vocational Rehabilitation Services Program to state-recognized tribes that were not located on state reservations but rather had self-defined tribal service areas, raising substantial questions about the tribes' eligibility for the funding, and HHS provided funds to two non-federally recognized tribes in New Jersey as state-recognized tribes that are not officially recognized by the state. Finally, when entities expend \$500,000 or more in federal funds in a fiscal year, they are required to comply with the reporting requirements of the Single Audit Act. The Accohannock Indian Tribe did not comply with those requirements for 2009. In response, HHS has begun taking administrative steps to encourage the Accohannock Indian Tribe to meet its federal financial reporting obligations.

Recommendations for Executive Action

We are making the following three recommendations.

To ensure that grants under the American Indian Vocational Rehabilitation Services Program are made consistent with applicable law, we recommend that the Secretary of Education review the department's practices with respect to eligibility requirements and take appropriate action with respect to grants made to tribes that do not have federal or state reservations.

To ensure the proper award and oversight of grants by the Department of Health and Human Services, we recommend that the Secretary of Health and Human Services take the following two actions.

- Investigate whether the Nanticoke Lenni-Lenape Indians of New Jersey and the Powhatan Renape Nation met the statutory eligibility requirements for the grants they were awarded and take appropriate

action as necessary. In doing so, the agency should consult with the state of New Jersey to determine whether the state has officially or formally recognized the tribes and treats them as state recognized.

- Continue to pursue the Accohannock Indian Tribe's noncompliance with the Single Audit Act and take appropriate action as necessary.

Agency Comments and Our Evaluation

We provided a copy of our draft report to the Departments of Agriculture, Education, Energy, the Interior, Labor, and HHS. In its written response, reprinted in appendix VI, Education stated its commitment to review its practices for determining eligibility for the American Indian Vocational Rehabilitation Services Program and taking appropriate action, if helpful, such as clarifying its interpretation. In addition, Education requested that we change the phrase "appropriate corrective action" in the recommendation to simply "appropriate action." We made that change to the recommendation. Education's commitment to review its practices and take appropriate action is consistent with our revised recommendation.

While agreeing to review its practices, Education disagreed with our finding (which was the basis for the recommendation) that state-recognized tribes without state reservations, but with self-defined tribal service areas, are likely ineligible for the American Indian Vocational Rehabilitation Services grant program. Education stated that its interpretation of the term "reservation" was reasonable and that we should defer to its interpretation. However, for the reasons detailed in the report, we continue to have substantial questions about whether Education reasonably interpreted the statutory definition of "reservation" for the American Indian Vocational Rehabilitation Services grant program to include tribal service areas. We note that Education's interpretation effectively rewrites the statute to allow tribes to unilaterally self-define a reservation and then apply for a grant. That reading appears to go beyond Congress's intent and language.

In addition, Education states that its interpretation is supported by the 1998 amendments to the statute, which (1) authorized American Indian Vocational Rehabilitation Service Program grantees to serve American Indians with disabilities living near reservations as well as those living on reservations, and (2) required states and American Indian Vocational Rehabilitation Service Program grantees to enter into cooperative agreements that, among other things, include procedures for ensuring that American Indians with disabilities living near a reservation or tribal service area are provided vocational rehabilitation services. However,

expanding the universe of Indians eligible to receive vocational rehabilitation services to those living “near” a reservation does not alter what qualifies as a “reservation.” Moreover, Congress’s use of both “reservation” and “tribal service area” undercuts Education’s interpretation because it suggests Congress did not believe a tribal service area is simply a type of reservation.

HHS agreed with the two recommendations involving its activities and stated that it will seek to clarify with the state of New Jersey the status of the Nanticoke Lenni-Lenape Indians of New Jersey and the Powhatan Renape Nation. HHS also stated that it will continue to address issues related to compliance with the Single Audit Act related to the Accohannock Indian Tribe. (See app. VII for HHS’s written comments.) The Departments of Agriculture, Education, the Interior, and HHS also provided technical comments, which we incorporated into the report as appropriate. The Departments of Energy and Labor had no comments.

As agreed with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies of this report to the Secretaries of Agriculture, Education, Energy, Health and Human Services, Housing and Urban Development, the Interior, and Labor; appropriate congressional committees; and other interested parties. The report will be available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff members have any questions about this report, please contact me at (202) 512-3841 or mittala@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix VIII.

Sincerely yours,



Anu K. Mittal
Director, Natural Resources
and Environment

Appendix I: Objectives, Scope, and Methodology

This review's objectives were to address (1) the key means by which non-federally recognized tribes have been eligible for federal funding and (2) the amount of federal funding awarded to non-federally recognized tribes for fiscal years 2007 through 2010, by agency and program. In addition, this report provides information about some cases we identified during our work concerning non-federally recognized tribes' eligibility for funding and compliance with federal financial reporting requirements.

Because no comprehensive list of non-federally recognized tribes exists, we first compiled a list of about 400 such tribes in the contiguous 48 states.¹ To compile this list we relied on information from (1) the Department of the Interior, and obtained a list of all those entities that have submitted a letter of intent to petition for federal recognition through the department's administrative acknowledgment process or have submitted a complete petition but had not received federal recognition as of April 29, 2011; (2) selected states about state-recognized tribes; and (3) other documents and sources that identified other self-identified tribes that are not federally recognized.

For this review, we compiled a list of states with state-recognized tribes that are not federally recognized. We compiled this list by gathering information from a variety of sources, including information gathered by Interior's Indian Arts and Crafts Board on state-recognized tribes in all 50 states and information collected by the U.S. Census Bureau. On the basis of this information, we identified 15 states that were most likely to

¹We excluded Alaska and Hawaii because of the unique circumstances in those states. In addition to the 225 federally recognized tribes in Alaska, Alaska Native corporations were created pursuant to the Alaska Native Claims Settlement Act but are not federally recognized tribes and some federal programs have explicit authority to fund them. As a result, including Alaska would have required extensive and different research and legal analysis on how federal programs treat Alaska Native corporations. Hawaii enacted legislation in July 2011 to provide for and implement the recognition of the Native Hawaiian people by means and methods that will facilitate their self-governance. The Attorney General of Hawaii has identified over 160 federal laws explicitly addressing Native Hawaiians. See *Can Congress Create a Race-Based Government? The Constitutionality of H.R. 309 and S. 147*, Hearing Before the House Subcomm. on the Constitution of the House Comm. on the Judiciary, 109th Cong. 6, 60-80 (2005). Native Hawaiians are not eligible to apply for federal recognition through Interior's administrative acknowledgment process, and as a result, Interior's list of entities that have submitted a letter of intent to petition for federal recognition does not include information about Hawaiian entities that may self-identify as tribes. Like the situation in Alaska, including Hawaii would have required extensive and different research and legal analysis on how federal programs treat Native Hawaiians.

Appendix I: Objectives, Scope, and Methodology

have state-recognized tribes, and we reached out to state officials in each of these states. On the basis of our discussions with officials in these states, we confirmed that 12 of the 15 states had state-recognized tribes. In addition, state officials in the other 33 states had at one time told Interior's Indian Arts and Crafts Board that their states had no state-recognized tribes that were not also federally recognized. As part of our contact with these 15 states, in addition to inquiring about any state-recognized tribes, we also asked about whether they were aware of any other non-federally recognized tribes within their borders. For the other 33 states, we relied largely on information provided by these states to Interior's Indian Arts and Crafts Board. According to this information, these states had identified no state-recognized tribes within their borders. We spot-checked this information by contacting 20 states for which we were able to identify a state official who could respond to our questions, and 9 of these states responded to our inquiry and confirmed that they did not have any state-recognized tribes.²

To address both objectives of this review, we obtained and reviewed statutes and agency documents; searched databases such as USAspending.gov and the Single Audit Database; analyzed agency-provided data; and met with officials of various federal agencies, including all six agencies with programs that have explicit statutory or regulatory authority to fund certain non-federally recognized tribes, such as state-recognized tribes that are not also federally recognized. These agencies are the Departments of Agriculture, Education, Energy, Health and Human Services, Housing and Urban Development, and Labor. In addition, we traveled to North Carolina and Virginia to meet with state officials, representatives of Native American organizations, and officials from several non-federally recognized tribes located in those states. We selected North Carolina because it had the highest concentration of non-federally recognized tribes that we identified as having received funding during the 4-year period (7 out of 26), including three of the top four recipients of federal funds during the period. We included Virginia because of its proximity to Washington, D.C., and because tribes in the state have received federal funding in the past.

²The 15 states we identified as possibly having state-recognized tribes were the 12 states listed in table 7 plus California, New Jersey, and Ohio. The additional 9 states responding to our inquiry were Arizona, Arkansas, Colorado, Indiana, Kansas, Kentucky, Michigan, Oklahoma, and Texas.

Appendix I: Objectives, Scope, and Methodology

To identify which non-federally recognized tribes had received federal funding during the period 2007 through 2010 and which programs had provided this funding, we searched publicly available funding data from USAspending.gov and agency-provided data. USAspending.gov, a publicly accessible website containing data on federal awards, was launched in December 2007 to comply with the requirements of the Federal Funding Accountability and Transparency Act of 2006.³ Under that act, federal agencies are required to report information about all federal awards of \$25,000 or more. As a result of these searches, we determined that 26 of the about 400 non-federally recognized tribes that we had identified had received federal funding in the 4-year period from 24 federal programs.

To determine by which means non-federally recognized tribes were eligible to receive federal funding, we reviewed the authorizing statutes, program regulations, and eligibility requirements for all 24 programs that had awarded funding to the 26 non-federally recognized tribes during fiscal years 2007 through 2010. In addition, we collected information about the organization and legal status of the 26 non-federally recognized tribes. For example, we searched Internal Revenue Service data to identify which of the receiving entities were organized as nonprofits at any time during the 4-year period. We then analyzed how each entity could have qualified for the funding it received, by comparing the organizational and legal status of the recipient with the statutory and regulatory authority of the awarding program. When a non-federally recognized tribe was eligible to receive federal funding from a program through several means, we did not attempt to single out which means qualified the tribe for the funding received. In those instances where we could not identify any means by which a non-federally recognized tribe was eligible for funding received, we contacted agency officials to determine how the entity had qualified. For example, we contacted two agencies to determine how non-state-recognized tribes in New Jersey qualified for funding from programs that are authorized to fund state-recognized tribes but not to fund other non-federally recognized tribes.

For each non-federally recognized tribe we identified, we searched USAspending.gov and agency-provided data on relevant identifying information, including tribal names provided by Interior for petitioners and

³Pub. L. No. 109-282, 120 Stat. 1186 (2006).

Appendix I: Objectives, Scope, and Methodology

by state officials for state-recognized tribes and other non-federally recognized tribes in their states. Where possible, we used available information such as tribal names and addresses to identify each entity's Data Universal Numbering System (DUNS) number—a nine-digit number assigned by Dun & Bradstreet, Inc., to identify each physical location for businesses. Entities such as non-federally recognized tribes may have multiple DUNS numbers, and we took steps to identify all relevant DUNS numbers by, for example, searching Dun & Bradstreet's records for additional DUNS numbers associated with a particular entity, such as a previous DUNS number where applicable. We then searched USAspending.gov and agency-provided data on tribal names and DUNS numbers to compile an updated data set on federal funding awarded by federal agencies in the 4-year period to the non-federally recognized tribes we identified.

To determine the amount of federal funding awarded for fiscal years 2007 through 2010 to non-federally recognized tribes, we used the information that we obtained from USAspending.gov and agency-provided data. We supplemented USAspending.gov data with agency-provided data from (1) all seven programs that we identified as each having awarded a total of more than \$1.5 million in funding to non-federally recognized tribes in the 4-year period and (2) some additional programs administered by these agencies. Some programs awarded funding appropriated through the annual appropriation process as well as funding appropriated by the American Recovery and Reinvestment Act of 2009. Although the Catalog of Federal Domestic Assistance (CFDA)⁴ may assign unique numbers to track these two funding sources, we did not consider the funding as coming from separate programs for the purposes of tallying the number of programs that awarded funding to non-federally recognized tribes.

We took a number of steps to assess the reliability of these data. For example, we compared USAspending.gov against information in single audit reports filed by those non-federally recognized tribes that filed these reports for one or more of the fiscal years included in this review. We also tested the data for missing data and outliers, interviewed agency officials from all seven programs that awarded more than \$1.5 million to non-federally recognized tribes in the 4-year period to discuss how they collect

⁴CFDA details program descriptions for more than 2,000 federal assistance programs and assigns a unique CFDA number to each program. See <http://www.cfda.gov>.

Appendix I: Objectives, Scope, and Methodology

and maintain these data, and contacted knowledgeable agency officials to resolve any inconsistencies in these data sources. For example, by reviewing single audits completed by the Lumbee Tribe of North Carolina, we identified an award that was not listed in USAspending.gov; we contacted agency officials to confirm the amounts awarded by fiscal year and program and to determine why the award was not listed. An agency official stated that the award was not listed in USAspending.gov because it was below the reporting threshold required by the Federal Funding Accountability and Transparency Act of 2006. On the basis of information provided by the agency, we were able to include the award in our updated data set. After taking these steps, we concluded that the updated data set was reliable for the purpose of estimating the amount of federal funding awarded by federal agencies to non-federally recognized tribes for fiscal years 2007 through 2010. After collecting this information, we compared the characteristics of each non-federally recognized tribe with applicable program eligibility requirements, and we checked for compliance with the financial reporting requirement in the Single Audit Act, as amended.⁵ As a result, we identified some instances where federal agencies had made grants to likely ineligible non-federally recognized tribes and where an agency had initiated actions to enforce federal financial reporting requirements.

We excluded awards received by non-federally recognized tribes as subawards from other entities, including states, because neither USAspending.gov nor the federal agencies maintain reliable information on subawards. We also excluded loans, procurement contracts, and tax expenditures and did not make any effort to determine the amount of funding received directly by individual members of non-federally recognized tribes through, for example, scholarships awarded by federal agencies.

We conducted this performance audit from June 2011 through April 2012, in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

⁵Pub. L. No. 98-502 (1984), *amended by* Pub. L. No. 104-156 (1996), *codified as amended at* 31 U.S.C. §§ 7501-7507.

Appendix II: Tribes Whose Recognition Was Terminated

This appendix provides information about tribes whose relationship with the United States was terminated. These tribes are not eligible to petition for federal recognition through the Department of the Interior's administrative acknowledgement process, but may have their recognition restored by other means.¹ As of October 1, 2010, federal recognition had been restored for 38 tribes whose relationship with the United States had been terminated (see table 5). These tribes were non-federally recognized upon termination until the effective date of restoration.

Table 5: Years in Non-Federally Recognized Status for 38 Tribes Whose Recognition Was Terminated and Subsequently Restored

Restored tribe	State	Date terminated	Date restored	Years non-federally recognized
Menominee Indian Tribe of Wisconsin	WI	Apr. 30, 1961	Dec. 22, 1973	12.65
Robinson Rancheria of Pomo Indians of California	CA	Sept. 3, 1965	June 29, 1977	11.83
Confederated Tribes of the Siletz Reservation, Oregon	OR	Aug. 13, 1956	Nov. 18, 1977	21.28
Ottawa Tribe of Oklahoma	OK	Aug. 3, 1959	May 15, 1978	18.79
Peoria Tribe of Indians of Oklahoma	OK	Aug. 2, 1959	May 15, 1978	18.80
Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)	UT	Mar. 1, 1957	Apr. 3, 1980	23.11
Wiyot Tribe, California (formerly the Table Bluff Reservation—Wiyot Tribe)	CA	Apr. 11, 1961	Sept. 21, 1981	20.46
Confederated Tribes of the Grand Ronde Community of Oregon	OR	Aug. 13, 1956	Nov. 22, 1983	27.29
Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians of Oregon	OR	Aug. 13, 1956	Oct. 17, 1984	28.20
Bear River Band of the Rohnerville Rancheria, California	CA	July 16, 1966	Feb. 13, 1985 ^a	18.59
Big Valley Band of Pomo Indians of the Big Valley Rancheria, California	CA	Nov. 11, 1965	Feb. 13, 1985 ^a	19.27
Blue Lake Rancheria, California	CA	Sept. 22, 1966	Feb. 13, 1985 ^a	18.41
Buena Vista Rancheria of Me-Wuk Indians of California	CA	Apr. 11, 1961	Feb. 13, 1985 ^a	23.86
Chicken Ranch Rancheria of Me-Wuk Indians of California	CA	Aug. 1, 1961	Feb. 13, 1985 ^a	23.55

¹For information on how federal recognition has been restored for these tribes see enclosure II of GAO, *Indian Issues: BLM's Program for Issuing Individual Indian Allotments on Public Lands Is No Longer Viable*, GAO-07-23R (Washington, D.C.: Oct. 20, 2006), and appendix II of GAO, *Native American Graves Protection and Repatriation Act: After Almost 20 Years, Key Federal Agencies Still Have Not Fully Complied with the Act*, GAO-10-768 (Washington, D.C.: July 28, 2010).

Appendix II: Tribes Whose Recognition Was Terminated

Restored tribe	State	Date terminated	Date restored	Years non-federally recognized
Cloverdale Rancheria of Pomo Indians of California	CA	Dec. 30, 1965	Feb. 13, 1985 ^a	19.14
Elk Valley Rancheria, California	CA	July 16, 1966	Feb. 13, 1985 ^a	18.59
Greenville Rancheria of Maidu Indians of California	CA	Dec. 8, 1966	Feb. 13, 1985 ^a	18.20
Mooretown Rancheria of Maidu Indians of California	CA	Aug. 1, 1961	Feb. 13, 1985 ^a	23.55
Northfork Rancheria of Mono Indians of California	CA	Feb. 18, 1966	Feb. 13, 1985 ^a	19.00
Picayune Rancheria of Chukchansi Indians of California	CA	Feb. 18, 1966	Feb. 13, 1985 ^a	19.00
Pinoleville Rancheria of Pomo Indians of California	CA	Feb. 18, 1966	Feb. 13, 1985 ^a	19.00
Potter Valley Tribe, California	CA	Aug. 1, 1961	Feb. 13, 1985 ^a	23.55
Quartz Valley Indian Community of the Quartz Valley Reservation of California	CA	Jan. 20, 1967	Feb. 13, 1985 ^a	18.08
Redding Rancheria, California	CA	June 20, 1962	Feb. 13, 1985 ^a	22.67
Redwood Valley Rancheria of Pomo Indians of California	CA	Aug. 1, 1961	Feb. 13, 1985 ^a	23.55
Smith River Rancheria, California	CA	July 29, 1967	Feb. 13, 1985 ^a	17.56
Klamath Tribes, Oregon	OR	Aug. 13, 1961	Aug. 27, 1986	25.05
Alabama-Coushatta Tribes of Texas	TX	July 1, 1955	Aug. 18, 1987	32.15
Ponca Tribe of Nebraska	NE	Oct. 27, 1966	Oct. 31, 1990	24.03
Guidiville Rancheria of California	CA	Sept. 3, 1965	Sept. 6, 1991	26.02
Lytton Rancheria of California	CA	Aug. 1, 1961	Sept. 6, 1991	30.12
Scotts Valley Band of Pomo Indians of California	CA	Sept. 3, 1965	Sept. 6, 1991	26.02
Mechoopda Indian Tribe of Chico Rancheria, California	CA	June 2, 1967	Apr. 17, 1992	24.89
Catawba Indian Nation (<i>aka</i> Catawba Tribe of South Carolina)	SC	July 2, 1960	Oct. 27, 1993	33.34
United Auburn Indian Community of the Auburn Rancheria of California	CA	Aug. 18, 1967	Oct. 31, 1994	27.22
Paskenta Band of Nomlaki Indians of California	CA	Apr. 11, 1961	Nov. 2, 1994	33.58
Federated Indians of Graton Rancheria, California	CA	Feb. 18, 1966	Dec. 27, 2000	34.88
Wilton Rancheria, California	CA	Sept. 22, 1964	June 8, 2009	44.74

Sources: GAO analysis of information reported in GAO-07-23R, GAO-10-768, and the *Federal Register*.

^aWe use February 13, 1985, as the restoration date because it is the date of publication of the first list of federally recognized tribes, by the Department of the Interior's Bureau of Indian Affairs (BIA), to include the tribe. Under section 7 of the court-approved stipulated agreement settling *Tillie Hardwick v. United States*, No. C-79-1710-SW (N.D. Cal. 1983), tribes involved in the litigation were to be recognized by the Secretary of the Interior and included on BIA's *Federal Register* list of recognized tribal entities pursuant to 25 C.F.R. § 83.6(b) (1983). Although the court approved the stipulated agreement on December 27, 1983, the Secretary did not publish a notice in the *Federal Register* regarding the settlement and restoration until June 11, 1984, and the BIA list of federally recognized tribes was not published until February 13, 1985.

Appendix II: Tribes Whose Recognition Was Terminated

For a variety of reasons, it is not possible to provide a comprehensive list of all existing tribes whose recognition was terminated and not restored. For example, some tribes located in western Oregon and terminated in 1956 appear to have been historic tribes that once resided in that area but were no longer organized as tribes at the time of their termination, according to the Department of the Interior.² Nonetheless, we identified nine tribes in California whose recognition was terminated and not restored and therefore are non-federally recognized tribes (see table 6).

Table 6: Nine Tribes in California Whose Recognition Was Terminated and Not Restored

Terminated tribe	Date terminated	<i>Federal Register</i> termination notice
Cache Creek Rancheria	Apr. 11, 1961	26 Fed. Reg. 3073
Mark West Rancheria	Apr. 11, 1961	26 Fed. Reg. 3073
Ruffeys Rancheria	Apr. 11, 1961	26 Fed. Reg. 3073
Strawberry Valley Rancheria	Apr. 11, 1961	26 Fed. Reg. 3073
Alexander Valley Rancheria	Aug. 1, 1961	26 Fed. Reg. 6875
Indian Ranch Rancheria	Sept. 22, 1964	29 Fed. Reg. 13146
Nevada City Rancheria	Sept. 22, 1964	29 Fed. Reg. 13146
El Dorado Rancheria	July 16, 1966	31 Fed. Reg. 9685, 9686
Mission Creek Reservation	July 14, 1970	35 Fed. Reg. 11272, 11273

Source: GAO analysis of BIA data and *Federal Register* notices.

Note: Pub. L. No. 88-419, § g, 78 Stat. 390, 391 (1964), authorized the Secretary of the Interior to sell any rancheria or reservation lying wholly within the state of California that was unoccupied as of January 1, 1964. From 1965 through 1967, the Secretary sold the unoccupied Colfax, Taylorsville, and Strathmore rancherias.

²Pub. L. No. 83-588, 68 Stat. 724 (1954); 21 Fed. Reg. 6244 (Aug. 18, 1956).

Appendix III: State-Recognized Tribes

This appendix provides information on state-recognized tribes. We identified 12 states that had state-recognized tribes. Officials in these 12 states identified 61 state-recognized tribes that are not federally recognized, as of September 2011 (see table 7). Some states—such as California and Texas—have acknowledged non-federally recognized tribes in their states but have not officially identified these entities as state recognized, according to officials we spoke with.

Table 7: State-Recognized Tribes Identified by States That Are Not Federally Recognized, as of September 2011

State and tribe name	Status in Interior's administrative acknowledgment process ^a
Alabama	
Cherokees of Northeast Alabama	Petitioner #77. Letter of intent submitted on Sept. 23, 1981.
Cher-O-Creek Intra Tribal Indians (Cherokees of Southeast Alabama)	Petitioner #107. Letter of intent submitted on May 27, 1988.
Echota Cherokees of Alabama	Petitioner #321. Letter of intent submitted on June 10, 2009.
Ma-Chis Lower Alabama Creek Indian Tribe	Petitioner #87. Denied, effective Aug. 22, 1988.
MOWA Band of Choctaw Indians ^b	Petitioner #86. Denied, effective Nov. 26, 1999.
Piqua Shawnee Tribe	c
Star Clan of Muscogee Creeks of Pike County	c
United Cherokee Ani-Yun-Wiya Nation	Petitioner #246. Letter of intent submitted on Nov. 8, 2001.
Connecticut	
Golden Hill Paugussett Tribe ^b	Petitioner #81. Denied, effective Mar. 18, 2005.
Paucatuck Eastern Pequot ^b	Petitioner #35 and petitioner #113. Denied, effective Oct. 14, 2005.
Schaghticoke Tribal Nation ^b	Petitioner #79. Denied, effective Oct. 14, 2005.
Delaware	
Lenape Indian Tribe of Delaware	c
Nanticoke Indian Association	Petitioner #40. Requested petition be placed on hold on Mar. 25, 1989.
Georgia	
Cherokee of Georgia Tribal Council	c
Georgia Tribe of Eastern Cherokee Indians, Inc. ^d	Petitioner #41. Petition ready, waiting for active consideration since June 9, 2003.
Lower Muscogee Creek Tribe ^b	Petitioner #8. Denied, effective Dec. 21, 1981.
Louisiana	
Adai Caddo Tribe	Petitioner #138. Letter of intent submitted on Sept. 13, 1993.
Bayou Lafourche Band of the Biloxi-Chitimacha Confederation of Muskogees	Petitioner #56A. Proposed negative finding published May 30, 2008.
Choctaw-Apache Tribe of Ebarb	Petitioner #37. Letter of intent submitted on July 2, 1978.
Clifton Choctaw Tribal Reservation, Inc.	Petitioner #30. Letter of intent submitted on Mar. 22, 1978.

Appendix III: State-Recognized Tribes

State and tribe name	Status in Interior's administrative acknowledgment process ^a
Four Winds Cherokee	^c
Grand Caillou/Dulac Band of the Biloxi-Chitimacha Confederation of Muskogees	Petitioner #56A. Proposed negative finding published May 30, 2008.
Isle de Jean Charles Band of the Biloxi-Chitimacha Confederation of Muskogees	Petitioner #56A. Proposed negative finding published May 30, 2008.
Louisiana Choctaw Tribe	^c
Pointe-au-Chien Indian Tribe	Petitioner #56B. Proposed negative finding published May 30, 2008.
United Houma Nation	Petitioner #56. Proposed negative finding published Dec. 22, 1994.
Massachusetts^e	
Chappaquiddick Wampanoag	Petitioner #310. Letter of intent submitted on May 21, 2007.
Chaubunnagungamaug Nipmucks	^f
Herring Pond Wampanoag Tribe	^c
Nipmuc Nation Hassanamisco Band	Petitioner #69A. Denied, effective Jan. 28, 2008.
Pocasset Wampanoag Tribe	Petitioner #153. Letter of intent submitted on Feb. 1, 1995.
Seaconke Wampanoag Tribe	^c
Montana	
Little Shell Tribe of Chippewa Indians of Montana	Petitioner #31. Denied, effective Oct. 27, 2009.
New York	
The Poospatuck (Unkechaug) Indian Nation ^d	^c
North Carolina	
Coharie Tribe of North Carolina	Petitioner #74. Letter of intent submitted on Mar. 13, 1981.
Haliwa-Saponi Indian Tribe of North Carolina	Petitioner #63. Letter of intent submitted on Nov. 27, 1979.
Lumbee Tribe of North Carolina	Petitioner #65. Deemed ineligible to apply on Oct. 23, 1989.
Meherrin Indian Tribe	Petitioner #119a. Letter of intent submitted on Aug. 2, 1990.
Occaneechi Band of Saponi Nation of North Carolina	Petitioner #148. Letter of intent submitted on Jan. 6, 1995.
Sappony (High Plains Indians, petitioned as Indians of Person County)	Petitioner #95. Letter of intent submitted on Sept. 7, 1984.
Waccamaw Siouan Tribe of North Carolina	Petitioner #88. Letter of intent submitted on June 27, 1983.
South Carolina	
Beaver Creek Indians	Petitioner #184. Letter of intent submitted on Jan. 26, 1998.
Edisto Natchez Kusso Tribe of South Carolina (petitioned as Four Holes Indian Organization, Edisto Tribal Council)	Petitioner #23. Letter of intent submitted on Dec. 30, 1976.
Pee Dee Indian Tribe of South Carolina	Petitioner #152. Letter of intent submitted on Jan. 30, 1995.
Pee Dee Nation of Upper South Carolina	Petitioner #296. Letter of intent submitted on Dec. 14, 2005.
Santee Indian Organization	Petitioner #53. Letter of intent submitted on June 4, 1979.
Waccamaw Indian People (petitioned as The Chicora-Waccamaw Indian People)	Petitioner #144. Letter of intent submitted on Oct. 5, 1994.
Wassamasaw Tribe of Varnertown Indians	^c

Appendix III: State-Recognized Tribes

State and tribe name	Status in Interior's administrative acknowledgment process ^a
Vermont	
Elnu Abenaki Tribe	^c
Nulhegan Band of the Coosuk Abenaki Nation	^c
Virginia	
Cheroenhaka (Nottoway)	Petitioner #264. Letter of intent submitted on Dec. 30, 2002.
Chickahominy Indian Tribe	Petitioner #168. Letter of intent submitted on Mar. 19, 1996.
Eastern Chickahominy	Petitioner #241. Letter of intent submitted on Sept. 6, 2001.
Mattaponi Tribe ^b	Petitioner #157. Letter of intent submitted on Apr. 4, 1995.
Monacan Indian Nation	Petitioner #161. Letter of intent submitted on July 11, 1995.
Nansemond	Petitioner #244. Letter of intent submitted on Sept. 20, 2001.
Nottoway of Virginia	^c
Pamunkey Indian Tribe ^b	Petitioner #323. Letter of intent submitted on June 29, 2009.
Patawomeck	^c
Rappahannock Tribe	Petitioner #61. Letter of intent submitted on Nov. 16, 1979.
Upper Mattaponi	Petitioner #62. Letter of intent submitted on Nov. 26, 1979.

Sources: Information provided by state officials for tribe name and GAO analysis of information from Interior's Office of Federal Acknowledgment for petitioner status.

Notes: The table lists only state-recognized tribes as of September 2011. Maryland officially recognized two non-federally recognized tribes (Piscataway Conoy Tribe and Piscataway Indian Nation) in January 2012 by executive order as authorized by state law. The Piscataway Conoy Tribe includes the Piscataway-Conoy Confederacy and Sub-Tribes and Cedarville Band of Piscataway.

^aStatus of the entity's efforts to petition for federal recognition through Interior's administrative acknowledgment process, as of April 29, 2011, where we were able to confirm, on the basis of matching name and address, that the state-recognized tribe and petitioning group are the same entity. Because entities may have changed addresses since petitioning for federal recognition, this list may not be comprehensive.

^bThis state-recognized tribe has a state reservation, according to an official we spoke with. State officials in five states reported that a total of eight non-federally recognized tribes have state reservations in those states, but this list may not be comprehensive.

^cOn the basis of the names and addresses we were able to identify for this entity, we were unable to positively match it with any entity that has petitioned for federal recognition through Interior's administrative acknowledgment process.

^dAccording to Georgia's Council on American Indian Concerns, four groups have claimed to be the state-recognized Georgia Tribe of Eastern Cherokee, which was recognized in 1993. Furthermore, according to Interior's Office of Federal Acknowledgment, at least two groups have represented themselves as petitioner #41 (Georgia Tribe of Eastern Cherokees, Inc.). In November 2007, the Council on American Indian Concerns formally recommended to the Governor and the General Assembly that the state officially identify the Georgia Tribe of Eastern Cherokee Indians, Inc. (located at P.O. Box 607, Dahlonega, GA) as the true and legitimate state-recognized Georgia Tribe of Eastern Cherokee. As of February 2012, no further actions had been taken on this matter, according to a state official we spoke with.

^eMassachusetts considers the listed entities to be state-recognized tribes but has not established a formal recognition process, according to an official we spoke with from the Massachusetts Commission on Indian Affairs.

^fThis entity may be associated with petitioner #69B (Chaubunagungamaug Band of the Nipmuck Nation, Webster/Dudley), which was denied acknowledgment, effective Jan. 28, 2008.

Appendix III: State-Recognized Tribes

We cross-checked the information we received from state officials with information included in (1) a 2008 law review article,¹ (2) the 2010 Census,² and (3) correspondence between the states and Interior's Indian Arts and Crafts Board.³ Trying to reconcile differences among these sources highlighted the difficulties inherent in trying to develop a comprehensive list of state-recognized tribes. For example, questions were raised about the legal status of legislative resolutions that are not signed by a state's governor and the significance of other types of designations, such as "historic" or "acknowledged" tribes.

Nonetheless, except for some recent events that have occurred since the 2008 law review article was written and the 2010 Census information was compiled, and a couple of other notable exceptions, the information that we present in table 7 generally matches these other sources. The notable exceptions include the following:

- We did not include any entities from New Jersey in table 7. New Jersey does not have any state-recognized tribes, according to New Jersey officials whom we spoke with, as well as correspondence between New Jersey officials and Interior's Indian Arts and Crafts Board. The 2008 law review article counted three potentially state-recognized tribes in New Jersey, and the 2010 Census data counted two state-recognized tribes.
- We did not include any entities from California and Ohio in table 7. The officials whom we spoke with from those states indicated that their states had not established processes for officially recognizing tribes. The 2010 Census data and the correspondence with Interior's Indian Arts and Crafts Board also confirmed that those states have no

¹Alexa Koenig and Jonathan Stein, "Federalism and the State Recognition of Native American Tribes: A Survey of State-Recognized Tribes and State Recognition Processes across the United States," 48 Santa Clara L. Rev. 79 (2008).

²For the 2010 Census, the U.S. Census Bureau identified state-recognized tribes in 11 states. Six of these 11 states include at least one state-recognized tribe with a state reservation, according to the 2010 Census data. For each state-recognized tribe without a state reservation, Census delineated a tribal land area referred to as a State Designated Tribal Statistical Area. A Census map of state-recognized tribes and their tribal land areas can be found at http://www.census.gov/geo/www/maps/aian2010_wall_map/aian_wall_map.html.

³The Indian Arts and Crafts Board provided correspondence from all 50 states on the topic of state-recognized tribes.

Appendix III: State-Recognized Tribes

state-recognized tribes. On the basis of legislative resolutions in California and Ohio that were not signed by the states' governors, the 2008 law review article counted two state-recognized tribes in California and one state-recognized tribe in Ohio.

- We included six entities for Massachusetts in table 7 on the basis of the designation provided by a state official. The official also stated that Massachusetts does not have an established formal process for granting state recognition and that these entities are acknowledged by Massachusetts as historic tribes. The 2008 law review article included the same entities as state-recognized tribes, while the 2010 Census counted only one entity in Massachusetts as state recognized. In correspondence with Interior's Indian Arts and Crafts Board, dated November 16, 2000, the state provided a list of the historic tribes but also stated "[t]here are no officially state recognized tribes."

Some of the state-recognized tribes listed in table 7—such as the Mattaponi Tribe and the Pamunkey Indian Tribe—were recognized by colonial governments and considered state recognized since the beginning of statehood, while others became state recognized more recently, according to state officials we spoke with. For example, the two state-recognized tribes in Vermont were recognized in 2011, according to an official in that state. In some instances, state governments acknowledged a group long before officially designating it as a state-recognized tribe. Furthermore, some state governments have procedures for recognizing tribes today. As a result, the number of state-recognized tribes may increase, according to state officials we spoke with.

According to some state officials and state websites, their states officially recognize certain Indian entities, but these entities are not considered tribes. For example, South Carolina recognizes "Native American Indian groups," which the state defines as a number of individuals assembled together, which have different characteristics, interests, and behaviors that do not denote a separate ethnic and cultural heritage today, as they once did. That state also recognizes Native American Special Interest Organizations, which promote Native American culture and address socioeconomic deprivation among people of Indian origin, such as the Little Horse Creek American Indian Cultural Center. In another example, the state of North Carolina recognizes four Indian organizations, each of which represents Indian communities in one or more counties.

Appendix IV: Non-Federally Recognized Tribes That Received Federal Funding before Fiscal Year 2007

This appendix provides information on non-federally recognized tribes that received federal funding before fiscal year 2007. During our review, we identified a significant number of non-federally recognized tribes that received federal funding before fiscal year 2007, as shown in table 8. However, we also found that the publicly available funding data for the pre-2007 period were neither complete nor comprehensive, and therefore we have not included funding that these tribes received in table 8.

Table 8: Non-Federally Recognized Tribes That GAO Identified as Having Received Federal Funding before Fiscal Year 2007

Tribe name	City	State	Nonprofit ^a	State recognized ^b	Status in Interior's administrative acknowledgment process ^c
Adai Caddo Tribe	Robeline	LA	✓	✓	Petitioner #138. Letter of intent submitted on Sept. 13, 1993.
Amah Mutsun Band of Ohlone/Costanoan Indians	Woodside	CA			Petitioner #120. Petition ready, waiting for active consideration since Sept. 15, 2003.
Amonsoquath Tribe of Cherokee	West Plains	MO	✓		Petitioner #155. Letter of intent submitted on Feb. 17, 1995.
The Bear Creek Band of Michigan Ottawa Indians, Inc.	Hopkins	MI			d
Beaver Creek Indians (funded as Beaver Creek Band of Pee Dee Indians)	Lexington	SC	✓	✓	Petitioner #184. Letter of intent submitted on Jan. 26, 1998.
Brothertown Indian Nation (also funded as Brotherton Indian Nation)	Fond du Lac	WI	✓		Petitioner #67. Proposed finding issued Aug. 17, 2009.
Chaloklowa Chickasaw Indian People	Hemingway	SC	✓		Petitioner #259. Letter of intent submitted on Aug. 14, 2002.
The Chi-cau-gon Band of Lake Superior Chippewa of Iron County	Iron River	MI	✓		Petitioner #183. Letter of intent submitted on Feb. 12, 1998.
Chicora Indian Tribe of South Carolina	Loris	SC	✓		Petitioner #134. Letter of intent submitted on Feb. 10, 1993.
Chinook Indian Tribe/Chinook Nation	Chinook	WA	✓		Petitioner #57. Denied, effective July 12, 2003.
Clifton Choctaw Tribal Reservation, Inc.	Clifton	LA	✓	✓	Petitioner #30. Letter of intent submitted on Mar. 22, 1978.

**Appendix IV: Non-Federally Recognized Tribes
That Received Federal Funding before Fiscal
Year 2007**

Tribe name	City	State	Nonprofit^a	State recognized^b	Status in Interior's administrative acknowledgment process^c
Coastal Band of Chumash	Buellton	CA	✓		Petitioner #80. Letter of intent submitted on Mar. 25, 1982.
Costanoan-Rumsen Carmel Tribe	Chino	CA	✓		Petitioner #143. Letter of intent submitted on Aug. 24, 1994.
Croatan-Peedee Indian People	Williston	SC	✓		^d
Dunlap Band of Mono Indians	Fresno	CA	✓		Petitioner #92. Letter of intent to resubmit petition on Aug. 9, 2005. ^e
Edisto Natchez Kusso Tribe of South Carolina (petitioned as Four Holes Indian Organization, Edisto Tribal Council)	Ridgeville	SC	✓	✓	Petitioner #23. Letter of intent submitted on Dec. 30, 1976.
Fernandeno/Tataviam Tribe	Sylmar	CA	✓		Petitioner #158. Letter of intent submitted on Apr. 24, 1995.
Gabrieleno Band of Mission Indians of California	Beaumont	CA	✓		Petitioner #201. Letter of intent submitted on Nov. 3, 1998.
Gabrielino/Tongva Nation	San Gabriel	CA	✓		Petitioner #140. Letter of intent submitted on Mar. 21, 1994.
Georgia Tribe of Eastern Cherokee Indians	Dahlonega	GA			^d
Georgia Tribe of Eastern Cherokee Indians, Inc.	Dahlonega	GA	✓	✓	Petitioner #41. Petition ready, waiting for active consideration since June 9, 2003.
Golden Hill Paugussett Tribe	New Haven	CT		✓	Petitioner #81. Denied, effective Mar. 18, 2005.
Grand River Bands of Ottawa Indians	Grand Rapids	MI	✓		Petitioner #146. Petition ready, waiting for active consideration since Mar. 29, 2007.
Hatteras Tuscarora Tribe	(Unknown)	NC			^g
Konkow Valley Band of Maidu	Oroville	CA	✓		Petitioner #197. Letter of intent submitted on Aug. 20, 1998.
Lipan Apache Band of Texas, Inc.	San Antonio	TX	✓		Petitioner #211. Letter of intent submitted on May 26, 1999.
Little Shell Tribe of Chippewa Indians of Montana	Great Falls	MT	✓	✓	Petitioner #31. Denied, effective Oct. 27, 2009.

**Appendix IV: Non-Federally Recognized Tribes
That Received Federal Funding before Fiscal
Year 2007**

Tribe name	City	State	Nonprofit^a	State recognized^b	Status in Interior's administrative acknowledgment process^c
Lost Cherokee of Arkansas & Missouri	Conway	AR	✓		Petitioner #204. Letter of intent submitted on Feb. 10, 1999.
Mackinac Bands of Chippewa and Ottawa Indians	Hessel	MI	✓		Petitioner #186. Letter of intent submitted on May 13, 1998.
Mattaponi Tribe	West Point	VA	✓	✓	Petitioner #157. Letter of intent submitted on Apr. 4, 1995.
Meherrin Indian Tribe	Winton	NC	✓	✓	Petitioner #119A. Letter of intent submitted on Aug. 2, 1990.
Mendota Mdewakanton Dakota Community	Mendota	MN	✓		Petitioner #169. Letter of intent submitted on Apr. 11, 1996.
Miami Nation of Indians of the State of Indiana, Inc.	Peru	IN	✓		Petitioner #66. Denied, effective Aug. 17, 1992.
Monacan Indian Nation	Madison Heights	VA	✓	✓	Petitioner #161. Letter of intent submitted on July 11, 1995.
Muscogee Nation of Florida (funded as Florida Tribe of Eastern Creek Indians)	Bruce	FL	✓		Petitioner #32. Petition ready, waiting for active consideration since Jan. 29, 2003.
Nipmuc Nation Hassanamisco Band (funded as Nipmuc Indian Development Corporation)	South Grafton	MA	✓	✓	Petitioner #69A. Denied, effective Jan. 28, 2008.
Nor-Rel-Muk Wintu Nation (formerly Hayfork Band)	Weaverville	CA	✓		Petitioner #93. Letter of intent submitted on Jan. 5, 1984.
Northern Cherokee Nation of the Old Louisiana Territory	Columbia	MO	✓		Petitioner #100B. Letter of intent submitted on Feb. 19, 1992.
Northern Cherokee Tribe of Indians of Missouri and Arkansas	Clinton	MO	✓		Petitioner #100. Letter of intent submitted on July 26, 1985.
Ohlone/Costanoan-Esselen Nation	Monterey	CA	✓		Petitioner #132. Letter of intent submitted on Dec. 3, 1992.
Pamunkey Indian Tribe	King William	VA		✓	Petitioner #323. Letter of intent submitted on June 29, 2009.
Paucatuck Eastern Pequot	North Stonington	CT	✓	✓	Petitioner #35 and petitioner #113. Denied, effective Mar. 18, 2005.

Attachment B

Listing of State Agencies Not Cooperating with CMA For Statistical Data

Listing of State Agencies Not Cooperating With CMA Requests For Statistical Data

Introduction: The SC Commission for Minority Affairs is responsible by statute for” serving *as a single point of contact for statistical data*” for the African-American, Native American (Indian), Hispanic-Latino, and the Asian population for the State of South Carolina. The Commission is also charged by statute to *“research and analyze the causes of poverty and deprivation”*, and utilize research to *“develop and implement programs that enhance the economic well-being of minorities in the state of South Carolina”*, and its impacts on each of the four populations that the agency is mandated to serve. A key function to addressing these parts of the agency’s statute is for the Commission’s Research Staff to obtain statistical data from state agencies whose mission is to [also] focus on or serve state citizens who are directly impacted by poverty and deprivation. Currently, agencies are not mandated through state law to provide the Commission with its data. This [severely] hampers the ability for the Research Staff to be provided relevant non-confidential administrative records and/or statistical data that can greatly enhance the Commission’s ability to conduct poverty research.

Below is a listing of state agencies that [should] provide relevant data files that can enhance the Commission for Minority Affairs’ ability to collect statistics and analyze the causes and effects of poverty and deprivation on ethnic minorities and that citizens of the state.

Name Of State Agency	[Last] Individual(s) Contacted	Type of Data Requested	Stated Reason Why Data Was Not Provided Or Obtained
SC Department Of Employment and Workforce	Ms. Brenda Lisbon	County and Workforce Development Area Unemployment Data By Race and Ethnicity	Was told that data is not produced by race and ethnicity when it actually is. Spoke with BLS in Washington, DC.
SC Department Of Commerce	Benjamin Johnson (New Person) Joy Gilliam (New Person) – Have yet to respond.	Capital Investment By Year, Capital Investment By County; Employment By Occupational and Industry Sector and Company, Race and Ethnicity	Unsure-The data focuses on a combination of capital investment and job creation. The data on their website appears to be aggregated and is not broken down by the race and ethnicity categories needed to analyze poverty and deprivation impacts.

Attachment C

***Proposed Draft Legislation For Collaboration On The Collection and Obtaining Data From
State Agencies***

**Proposed Draft Legislation For Collaboration
On The Collection and Obtaining of Data From State Agencies**

Suggested Language For Legislation

SECTION 1-31-40. Powers and duties of Commission states that the SC Commission for Minority Affairs shall:

- (1) Research and study the effects of poverty and deprivation has a persistent negative impact on the social and economic well-being, and the overall quality of life for every citizen in the State of South Carolina, and that
- (2) The SC Commission for Minority Affairs is charged with researching, studying and addressing the [root] causes of poverty and deprivation among the African American, Native American Indian, Asian, and Hispanic-Latino population(s) in the state of South Carolina, and that the Commission for Minority Affairs is responsible for [serving];
- (3) Serving as the single point of contact for statistical data on each minority population,
- (4) Working with minority officials on the state, county, and local levels of government in disseminating statistical data and its impact on their constituencies,
- (5) Providing for publication of a statewide statistical abstract on minority affairs,
- (6) Providing statistical analyses for members of the General Assembly on the state of minority communities as the State experiences economic growth and changes,
- (7) Seeking federal and other funding on behalf of the State of South Carolina for the express purpose of implementing various programs and services for African Americans, Native American Indians, Hispanics/Latinos, Asians, and other minority groups;

SECTION 1-31-40. Powers and duties of the Commission for Minority Affairs also recognizes that comprehensive research and data analysis on issues related to poverty and deprivation is essential to improving the economic, social, health, educational, business, and financial well-being of individuals and families in the State of South Carolina. In order to improve on these conditions for the minority population(s), and the citizens of the state from a research perspective, it is proposed by the Commission for Minority Affairs that the Members of the South Carolina General Assembly mandate the following in law that;

- (1) Any and each state agency whose mission has a focus on providing services to individuals and families in South Carolina living in, or experiencing the effects of poverty and deprivation, meet with, and work in conjunction with the South Carolina Commission for Minority Affairs to provide all relevant data, statistical or otherwise for research, planning, and securing where applicable, federal and state funding, and related purposes to help ensure a better future [for each minority population mandated by statute];
- (2) Where the provision of data involves the utilization of the latest [data file creation] technology, each state agency must utilize or provide current staff [persons] to work in cooperation with the Commission for Minority Affairs's Research Staff, as well as
- (3) Collect and provide access to any and all data[sets] containing pertinent and relevant statistical data [related to poverty and deprivation] on the following populations;
 - African-American (Or Black) Population
 - Native American Indian Population
 - Asian Population
 - Hispanic-Latino Population, Or

**Proposed Draft Legislation For Collaboration
On The Collection and Obtaining of Data From State Agencies**

- Any additional [minority] population as determined by state and federal law.

The latest file creation technology includes but is not limited to the following as jointly determined by the SC Commission for Minority Affairs Research Staff and each relevant State Agency: (1) data file layouts, (2) file data dictionaries of key statistical and poverty and deprivation related variables, (3) sample data sets, (4) agreed upon agency data sets and (5) data file(s) deemed as essential to helping the SC Commission for Minority Affairs to achieve its mandated statutory mission to:

- [utilize,] *“research to analyze the causes of poverty and deprivation”*,
- utilize research to *“develop and implement programs that enhance the economic well-being of minorities in the state of South Carolina”*, and
- for” serving *as a single point of contact for statistical data*” for the African-American, Native American (Indian), Hispanic-Latino, and the Asian population for the State of South Carolina; as well as
- for “serving as *a single point of contact for statistical data*” for any [newly] determined minority population group(s) as stated in [current and future] federal or South Carolina law.

See Attachment D

MOU with the Polaris Project

**Memorandum of Understanding
By and Between
Polaris Project (dba Polaris)
And
South Carolina Commission for Minority Affairs**

Purpose

The purpose of the Memorandum of Understanding (MOU) is to establish an understanding of the roles of Polaris (hereinafter "Polaris") and **South Carolina Commission for Minority Affairs** (hereinafter "CMA") of the MOU, and to establish a mutual partnership that endeavors to strengthen statewide capacity to respond to and support victims and survivors of human trafficking.

Polaris National Hotlines

Polaris operates the National Human Trafficking Hotline and BeFree Textline, providing survivors of human trafficking with vital support and a variety of options to get help and stay safe, and sharing actionable tips and expertise with the anti-trafficking community. The National Hotline is available toll free anywhere in the country, 24 hours a day, 7 days a week, every day of the year in more than 200 languages and the BeFree Textline can be accessed from 3:00 - 7:00 p.m., seven days a week in English. By offering a robust infrastructure, highly trained staff, actionable tips, and data-driven insights, we are uniting local efforts into a national movement that is helping survivors restore their freedom and eradicating human trafficking across the country.

Scope of MOU

Human trafficking is a crime that happens within communities and across states. By entering into this MOU, the parties recognize the benefit of collaboration to identify and serve victims, promote greater public awareness of human trafficking, and increase skills and capacity of law enforcement officers and service provider professionals in understanding and responding to human trafficking. In order to facilitate the goals of both entities, the below signed agree to and including, but not limited to, the following participation:

Polaris Responsibilities

- 1) Provide prompt response to calls, emails, texts and other reports to the hotline to provide crisis services, referrals, and/or accept tips of potential trafficking situations;
- 2) Provide annual call/case, county and state-based reports, in which **CMA**
- 3) Provide information on the number of signals received that reference a campaign promoting the National Hotline (where applicable);
- 4) Collaborate with key state stakeholders to provide consultation on promising practices to improve statewide response to human trafficking;
- 5) Provide access to resources on human trafficking or referrals to subject matter experts;
- 6) Ensure National Hotline reporting protocols are directly connected to statewide efforts; and

- 7) Provide access to the National Hotline's promotional and campaign materials.


South Carolina Commission for Minority Affairs Responsibilities

- 1) Identify the National Hotline as the state's designated anti-trafficking hotline and incorporate into the state's anti-trafficking response;
- 2) Adopt a victim-centered, culturally sensitive approach when developing or revising the state's anti-trafficking response;
- 3) Actively promote the National Hotline through trainings and/or publically funded outreach campaigns;
- 4) Collaborate with Polaris to encourage and ensure all minority community-based organizations and businesses throughout the state have a basic knowledge of Human Trafficking and the National Hotline and promote and use the National Hotline.

Implementation

The implementation of this agreement becomes effective upon signing and will remain in effect until action is initiated to dissolve the agreement as evidenced by written notice from an authorized representative. Any amendments shall be in writing and executed in the same manner as the original agreement.

By signing this document, each party accepts the terms in this agreement.



Thomas J. Smith
Director, Commission for
Minority Affairs

10-9-17
Date



Caroline Diemar
Director, National Hotlines
Polaris

10/9/17
Date

Attachment E

SCMEN Conferences Registration

SCMEN Conferences Registration

Year 2015

Number of registrants paid thru Eventbrite	43@\$65.00
Onsite cash, check or IDT payments	9@\$65.00
Number of registrants complimentary, est. (Includes students, panelists, others)	52

Year 2016

Number of registrants paid thru Eventbrite:	44@ \$75.00 (early bird rate) 8 @ \$99.00 9 @ \$25.00 (reception only)
Onsite cash, check or IDT payments	3 @ \$75.00 3 @ \$25.00 (reception only) 4 @ \$99.00 1 @ \$50.00
Number of registrants complimentary, est. (includes students, panelists, others)	59

Year 2017

Number of registrants paid thru Eventbrite:	11@ \$100.00 1@ \$50.00
Onsite cash, check, or IDT payments:	4 @ \$50.00 3 @ \$25.00 (reception only) 3 @ \$100.00
Number of registrants complimentary, est. (includes students, panelists, others)	63

Attachment F

Carolina Bridge Financial Statement

COMPILED FINANCIAL STATEMENTS

CAROLINA BRIDGE PROJECT

COLUMBIA, SOUTH CAROLINA

Year Ended December 31, 2011

**V. R. McConnell, Certified Public Accountant
And Business Consultant, LLC
7901 Edgewater Drive
Columbia, SC 29223**

**Contact Person: V. R. McConnell
Phone: 803-788-0102**

CAROLINA BRIDGE PROJECT
TABLE OF CONTENTS

Independent Accountant's Report.....1

Statement of Cash Receipts and Expenses Paid and Other

Changes in Cash2

Notes to the Basic Financial Statements.....3

V. R. McConnell
Certified Public Accountant
And Business Consultant, LLC

7901 Edgewater Drive
Columbia, South Carolina 29223
Ph: (803) 788-0102

INDEPENDENT ACCOUNTANT'S COMPILATION REPORT

Board of Directors
Carolina Bridge Project
Columbia, South Carolina

I have compiled the accompanying statement of cash receipts and expenses (cash basis) of Carolina Bridge Project (a nonprofit organization) for the year ended December 31, 2011. I have not audited or reviewed the accompanying financial statement and, accordingly, do not express an opinion or provide any assurance about whether the financial statement is in accordance with the cash basis of accounting.

Management is responsible for the preparation and fair presentation of the financial statement in accordance with the cash basis of accounting and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statement.

My responsibility is to conduct the compilation in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The objective of a compilation is to assist management in presenting financial information in the form of financial statements without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statement.

V. R. McConnell

April 5, 2012

CAROLINA BRIDGE PROJECT
STATEMENT OF CASH RECEIPTS AND EXPENSES PAID AND OTHER CHANGES IN CASH
For The Year Ended DECEMBER 31, 2011

Cash Receipts		
Service Fees		<u>\$ 248,693</u>
Total Operating Revenue Collected		248,693
Expenses Paid		
Accounting & Legal		100
Educational Service Providers		179,298
Administrative Fees		19,055
Marketing & Recruiting		5,712
Insurance		<u>8,232</u>
Total Expenses Paid		212,397
EXCESS OF CASH RECEIPTS COLLECTED OVER EXPENSES PAID		<u>36,296</u>
Other changes in cash --net increase (decrease)		<u>-</u>
		-
	INCREASE IN CASH	36,296
Cash at beginning of year		<u>-</u>
	CASH AT END OF YEAR	<u><u>\$ 36,296</u></u>

See independent accountant's compilation report and notes to the financial statement

CAROLINA BRIDGE PROJECT
Notes to the Financial Statements
December 31, 2011

1) Summary of Significant Accounting Policies

The Carolina Bridge Project was established as a non-profit organization pursuant to the laws and regulations of the State of South Carolina in October 2009.

The significant accounting policies followed are described below to enhance the usefulness of the financial statements to the reader.

a) Basis of Accounting

The accompanying financial statement has been prepared on the cash basis of accounting. Under that basis, the only asset recognized is cash, and no liabilities are recognized. All transactions are recognized as either cash receipts or disbursements, and noncash transactions are not recorded. The cash basis differs from accounting principles generally accepted in the United States of America primarily because accounts receivable from customers, inventory, fixed assets, accounts payable to vendors, and long-term debt are not included in the financial statements.

b) Nature of the Business

The South Carolina Commission for Minority Affairs (the Commission) is the lead sponsor of the Carolina Bridge Project (the Project). The Commission, who provides the administration and support for the Project is joined by two partners, Connec & Associates, Inc. who provide the marketing and recruiting efforts, and EdisonLearning, Inc. who provides the educational materials to the participants in the program at various sites.

The Project's focus is an after-school educational enrichment program for 3rd through 8th grade students at faith- and community-based organizations.

2) Related Parties

The Project receives office space and equipment from the South Carolina Commission for Minority Affairs. No value of the office and equipment has been estimated. The Project also received educational supplies from EdisonLearning, Inc., valued at approximately \$60,000. This amount has not been reported in the financial statements.

3) Subsequent Events

Management believes there are no subsequent events to report through April 5, 2012.

PRODUCTS, SERVICES, AND CUSTOMERS

The CMA lists a variety of services it provides in its 2016-2017 Accountability Report.¹ Table 1 includes a sample of these services.

Table 1. Sample of products and services the agency provides.

Program Name	Product or Service	Customer
African American Affairs Initiative	Working with local colleges (HBCU's) and African American male groups to mentor and tutor students in middle and junior high school in order to improve their reading and math skills. This will facilitate on-time graduation and drop-out prevention.	General Public: African American males and low performing students in majority minority school districts
Community Based Services Initiative	Assist with state certification, tax exempt status through the IRS, and internal capacity building for non-profit organizations.	Professional Organizations: Community Outreach and Development Foundation, Mack House Charities, Pee Dee African American Chamber of Commerce, Inspire Youth and Family Services, Access Unlimited, The Triumphant Academy, Raising Up the Low-Country, Carolina Teen Center, Westside Community Center, Divine 9 Foundation of the Columbia, SC, The Low Country Education Local Organizing Committee, Education Over Incarceration, RBA Corporation, Stroud Development Group, Peekaboo Pretty Foundation, The Hive, Palmetto Advantage Care, Beyond Differences, Circles Greenville County
	Assist with state certification of tax exempt status through the IRS, and internal capacity building for non-profit organizations.	Local Government
Hispanic/Latino Affairs Initiative	We provide information and referral services for technical assistance, capacity building, cultural diversity training and organizational development for the Hispanic community. In addition, we provide assistance in the development of language access plans, policies and procedures. Our Program Coordinator is a qualified interpreter and translator as well as a member of the American Translation Association.	General Public: SC is home to approximately 258,000 Hispanics (Pew Hispanic Research Center) While this number is grossly under represented, we can say that a more accurate picture of Latinos in our state is 3 to 4 times larger than the number indicated by US Census. Although we are listing this number, it does not imply that we have reached every individual under our program initiative. However, services and access to information is available to the Hispanic and general community if needed.
		Professional Organizations: FEMA, SDBA, SCEMD, SC State agencies, Mexican Consulate, Other Hispanic non-profit organizations.

Program Name	Product or Service	Customer
Research and Policy Initiatives	Statistical Data will be provided to members in the SC Legislature on an as needed basis.	Legislative Branch
	Professional Organizations will be provided data primarily with census and related statistical data.	Professional Organizations: SC Department of Revenue and Fiscal Affairs, SC Children's Trust, SC Conference of Black Mayors
	The General Public will be provided with data that is relevant to their community, city and county in the state.	General Public: Organizations that are interested in receiving statistics pertaining to each population that the Commission is charged with serving (African Americans, Hispanic/Latinos, Native American Indians, and Asian populations).
Small and Minority Business Affairs Initiative	We provide business management and technical assistance, and education and training to aspiring or existing entrepreneurs.	General Public: The Microenterprise program is primarily focused on all of the populations that the Commission is legislatively required to serve, i.e., African Americans, Hispanic Americans, Native Americans, and Asian Americans.
	The Microenterprise program seeks to assist the business development industry by supporting and being a catalyst for economic development in the largest segment of business ownership, which is microenterprises. We support organizations that provide resources to microenterprises.	Industry: Business development organizations, such as Small Business Administration, Community Development Corporations and Microlenders.
Native American Affairs Initiative	We provide information, referral, technical assistance, capacity building, cultural diversity training and organizational development with the Native American community and tribes. In addition, we oversee the process of State Recognition for the State of South Carolina. The Commission serves as a liaison between state, federal and local governments and tribal entities nationally. We also have an emerging Native American Professionals Program, we work with the SC Department of Social Services (SC DSS) on Indian Child Welfare Act and Food Share SC program.	General Public: Native American Indians are .5% of the State's population and is an undercounted number. There are nine state tribes, four Groups and two special interest organizations. We have one federally recognized tribe, the Catawba Indian Nation.
		Legislative Branch: SC General Assembly
		Executive Branch/State Agencies
		Professional Organizations: National Partnership for Action to End Health for Health Disparities- Health and Human Services, National Congress of American Indian, Catawba Indian Nation Indian, SC State Recognized Tribes, Groups and Special Interest Organizations and non-recognized entities. Southeastern Indian Affairs Offices (GA, NC, AL, LA, VA), Lumbee Tribe, Machis Creek Tribe and others.

Program Name	Product or Service	Customer
Human Trafficking	Work with local and state government, community providers, etc. to provide awareness and information through campaigns and community events targeting youth and the minority population to prevent human trafficking and immigration infractions.	General Public: Trafficked victims, at-risk youth and the surrounding minority communities in South Carolina.

In the Program Evaluation Report, the Committee asks an agency **to provide a list of its deliverables** (i.e., products and services) as well as additional information related to laws, customers, costs, and potential negatives impacts.

The CMA provided a list of 11 deliverables, all of which it reported that it is **required by law** to provide **free of charge**. The agency also indicated that none of these deliverables would fit within the mission of another state agency.

It provided the following **recommendations to the General Assembly to help avoid the harm to the public if these deliverables are not provided**:

1. Provide additional FTEs to carry out these duties.
2. Require other agencies to partner and collaborate with the Commission regarding data and outreach initiatives to make current programs more effective.
3. Support legislative and policy changes to positively affect minority communities as suggested through reports and research conducted by the CMA

The other information it provided about these deliverables is shown in Table 2 below.²

Table 2. List of Deliverables

Applicable Laws	Customer satisfaction evaluated?	Does the agency know the...			Greatest potential harm to the public if deliverable is not provided
		cost/ unit?	annual # of potential customers?	annual # of customers served?	
1. Provide the minority community consisting of African Americans, Native American Indians, Hispanics/Latinos, Asians, and others with a single point of contact for statistical and technical assistance in the areas of research and planning for a greater economic future					
Code of Laws, §1-31-40	Yes	No	Yes	Yes	The agency will not be able to serve citizens, state agencies and other organizations through technical assistance and better access to cultural and community based research or statistical data for economic and community development.

Applicable Laws	Customer satisfaction evaluated?	Does the agency know the...			Greatest potential harm to the public if deliverable is not provided
		cost/ unit?	annual # of potential customers?	annual # of customers served?	
2. Work with minority officials on the state, county, and local levels of government in disseminating statistical data and its impact on their constituencies					
Code of Laws, §1-31-40	Yes	No	Yes	Yes	The agency will not be able to serve citizens, state agencies and other organizations through technical assistance and better access to cultural and community based research or statistical data for economic and community development.
3. Provide for publication of a statewide statistical abstract on minority affairs					
Code of Laws, §1-31-40	Yes	No	Yes	Yes	Without the production of the "State of Minorities Report," the agency will not be able to provide statistics on how minorities fare and compare to the majority population or information to the legislature with the hopes of influencing changes in policy and law(s).
4. Provide statistical analyses for members of the General Assembly on the state of minority communities as the State experiences economic growth and changes					
Code of Laws, §1-31-40	No	No	No	No	The agency will not be able to serve citizens, state agencies and other organizations through technical assistance and better access to cultural and community based research or statistical data for economic and community development.
5. Provide the minority community with assistance and information on Voting Rights Act submissions in the State, as well as other related areas of concern to the minority community					
Code of Laws, §1-31-40* <i>*No longer required due to Federal changes.</i>	No	No	No	No	This is no longer applicable due to a change in the Federal Voting Rights Act.
6. Determine, approve, and acknowledge by certification state recognition for Native American Indian entities; however, notwithstanding their state certification, the tribes have no power or authority to take any action which would establish, advance, or promote any form of gambling in this State					
Code of Laws, §1-31-40; §1-31-50; §20-1-20; §50-11-515 Code of Regs, §139-100; §139-105; §139-108; §139-109	Yes	No	Yes	Yes	Without the process of State Recognition, Native American entities will not have formal acknowledge from the State of South Carolina establishing a “government-to-government” relationship in addition to preventing access to programs and serves of at all levels of government and non-governmental agencies along with preventing compliance with Federal and State laws.

Page 85 of 141

Applicable Laws	Customer satisfaction evaluated?	Does the agency know the...			Greatest potential harm to the public if deliverable is not provided
		cost/ unit?	annual # of potential customers?	annual # of customers served?	
7. Establish advisory committees representative of minority groups, as the commission considers appropriate to advise the commission					
Code of Laws, §1-31-40; Code of Regs, §139-106; §139-200; §139-202	Yes	No	Yes	Yes	The agency will not be able to serve citizens, state agencies and other organizations through technical assistance and better access to cultural and community based research or statistical data for economic and community development.
8. Act as liaison with the business community to provide programs and opportunities to fulfill its duties under this chapter					
Code of Laws, §1-31-40	Yes	No	No	Yes	The agency will not be able to serve citizens, state agencies and other organizations through technical assistance and better access to cultural and community based research or statistical data for economic and community development.
9. Seek federal and other funding on behalf of the State of South Carolina for the express purpose of implementing various programs and services for African Americans, Native American Indians, Hispanics/Latinos, Asians, and other minority groups					
Code of Laws, §1-31-40	No	No	No	No	The agency will not be able to serve citizens, state agencies and other organizations through technical assistance and better access to cultural and community based research or statistical data for economic and community development.
10. Promulgate regulations as may be necessary to carry out the provisions of this article including, but not limited to, regulations regarding State Recognition of Native American Indian entities in the State of South Carolina					
Code of Laws, §1-31-40; §1-31-50; §20-1-20; §50-11-515; Code of Regs, §139-100; §139-105; §139-108; §139-109; §139-106; §139-200; §139-202	No	No	No	No	Without the process of State Recognition, Native American entities will not have formal acknowledge from the State of South Carolina establishing a “government-to-government” relationship in addition to preventing access to programs and serves of at all levels of government and non-governmental agencies along with preventing compliance with Federal and State laws.
11. Establish and maintain a twenty-four hour toll free telephone number and electronic website in accordance with Section 8-30-10					
Code of Laws, §8-30-10; §8-30-20	No	No	No	No	The agency will not be able to serve citizens, state agencies and other organizations through technical assistance and better access to cultural and community based research or statistical data for prevention and prosecution of labor law violations including all forms of human trafficking.

AGENCY RESOURCES

Overview

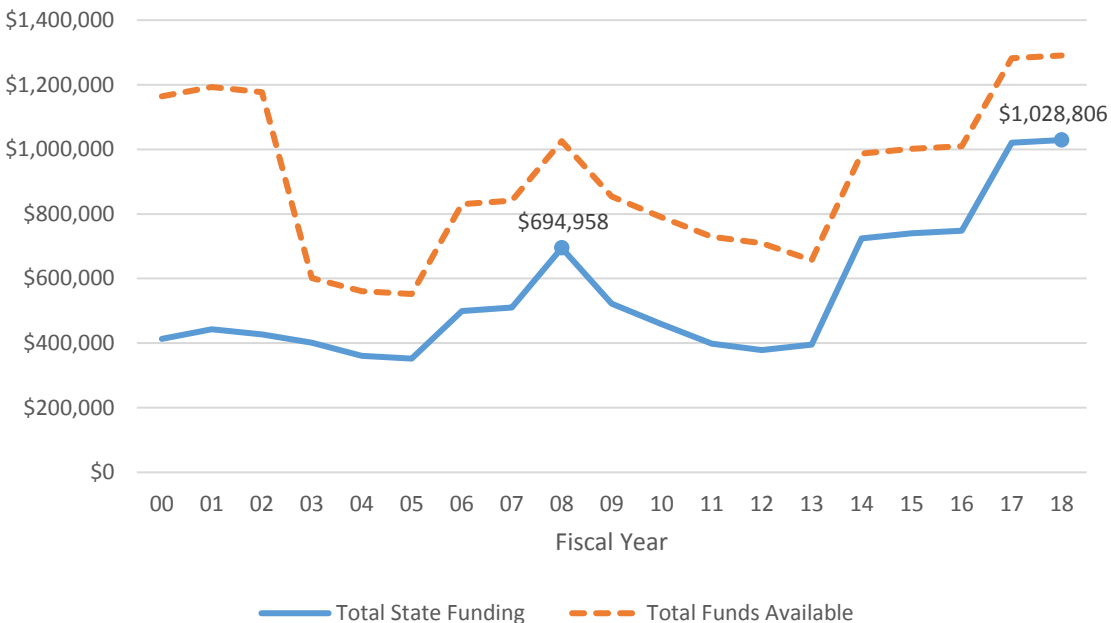
The agency provided this information about its resources in its Program Evaluation Report:³

Table 3. Overview of Resources

	FY 2016-17	FY 2017-18
FTEs Available at Start of Year	12	12
FTEs Filled at Start of Year	9	10
Total Appropriated & Authorized	\$1,273,326	\$1,374,745

Graph 1 shows the agency's funding history, based on data and analysis provided by the S.C. Revenue and Fiscal Affairs Office.

Graph 1. Agency Funding History



Graph Note: CMA receives up to \$131,000 annually from bingo tax revenue. It received the full amount in FY17 and FY18. This amount is not included in the "total state funding" shown on the graph.

Revenue Sources

In the Program Evaluation Report, the Committee asks the agency to provide information about its revenue sources. The CMA reported that all of its revenues remain with the agency. Table 4 is a summary of the information the agency provided.⁴

Table 4. Revenue Sources

Revenue Sources	Recurring?	Type	FY 16-17				FY 17-18 (Budgeted)			
			Revenue		Carried from Previous Year	Spent on Strategic Plan	Revenue		Carried from Previous Year	Budgeted for Strategic Plan
			Amount	% of Total			Amount	% of Total		
General Fund	Recurring	State	\$1,020,729	86.7%	\$39,585	\$884,827	\$1,028,806	84.2%	\$102,073	\$1,130,879
Bingo	Recurring	State	\$131,000	11.1%	\$29,240	\$136,476	\$131,000	10.7%	\$23,764	\$154,764
Other Funds Authorization	Non-Recurring	Other Funds	\$825	0.1%	\$27,062	\$160	\$1,375	0.1%	\$27,727	\$29,100
USDA	Non-Recurring	Federal	\$24,885	2.1%	\$0	\$16,688	\$60,000	4.9%	\$0	\$60,000
TOTAL			\$1,177,439		\$95,887	\$1,038,152	\$1,221,181		\$153,564	\$1,374,743

AGENCY STRATEGIC PLAN & RESOURCE ALLOCATION

CMA provided its allocation of employees and funds to each goal and strategy in its strategic plan in its PER.⁵ This information is reproduced in Table 5:

Table 5. Agency Strategic Plan & Allocated Resources

Goal 1 - Be the single point of contact for statistical data and information for South Carolina regarding minority communities, poverty and socio-economic deprivation.	2016-17			2017-18 (budgeted)		
	# FTEs	Total Spent	% of All Agency Funds Available	# FTEs	Total Budgeted	% of All Agency Funds Available
Strategy 1.1 - Disseminate relevant statistical data and information to legislators and stakeholders regarding poverty, socio-economic deprivation and minority populations.	0.45	\$54,118	4%	0.45	\$117,101	9%
Objective 1.1.1 - Disseminate the "FY 17-18 South Carolina County Statistical Abstract" to 175 legislators and county officials by the end of FY 17-18						
Objective 1.1.2 - Present the "FY 17-18 SC County Statistical Abstract" to a minimum of 25% of policy makers, public officials and interested parties at one (1) state-wide event to collect feedback and suggestions for policy and research by the end of FY 17-18.						
Objective 1.1.3 - Produce the "FY 17-18 SC County Statistical Abstract Recommendations Report" to a minimum of 100 legislators, public officials and interested parties and make it publically available on the CMA website by the end of FY 17-18.						
Strategy 1.2 - Create policies and/or legislation to require 100% of state agencies collecting data to provide data sets and/or raw data to the SC Commission for Minority Affairs for research and analysis.	0.13	\$31,367	2%	0.13	\$34,258	2%
Objective 1.2.1 - Work to establish a "single" yet unified Memorandum of Understanding or Agreement between the Department of Revenue and Fiscal Affairs and the Commission regarding the ability to collect data from other state agencies.						
TOTAL FOR GOAL 1	0.58	\$85,485	7%	0.58	\$151,359	11%

Goal 2 - Address the needs of minority populations through collaboration and engagement with legislators, public officials and stakeholders to effect change.	2016-17			2017-18 (budgeted)		
	# FTEs	Total Spent	% of All Agency Funds Available	# FTEs	Total Budgeted	% of All Agency Funds Available
Strategy 2.1 - Establish liaison relationships with policy makers, officials and stakeholders to assist with the creation of policy, legislation and community engagement.	0.9	\$98,010	8%	0.95	\$104,053	8%
Objective 2.1.1 - Increase the data base containing elected officials, city and county officials, community contacts and stakeholders by at least 10% by June 2018.						
Objective 2.1.2 - Conduct one (1) annual survey of a minimum of 200 individuals/organizations to measure visibility and increase awareness to obtain feedback by March 2018.						
Objective 2.1.3 - Publish one (1) annual report of survey responses to the CMA Board and stakeholders by June 2018.						
Objective 2.1.4 - Conduct a minimum of two (2) Advisory Committee meetings per program initiative (Native American, Hispanic/Latino, and African American) to address the needs of our communities and build community engagement by June 2018.						
Strategy 2.2 - Promulgate regulations to carry out provisions outlined in CMA's statute to streamline programs, duties and functions to address the needs of the populations served.	0.35	\$47,406	4%	0.4	\$53,226	4%
Objective 2.2.1 - Review and revise Commission regulations as needed.						
Strategy 2.3 - Determine, approve and acknowledge by certification, state recognition for Native American Indian entities on behalf of the State of South Carolina.	0.15	\$31,675	2%	0.15	\$34,435	3%
Objective 2.3.1 - Conduct two (2) State Recognition application cycles (September 1 and April 1) in which applications (petitions) are submitted in accordance with current law by June 2018.						
Objective 2.3.2 - Conduct up to two (2) "State Recognition Application Workshops" pertaining to the state recognition process and application for entities interested in applying for state recognition by June 2017						
Objective 2.3.3 - Fulfill 100% of requirements for state recognition process for petition cycles 4/1/16 and 9/1/2016 by June 2018.						
TOTAL FOR GOAL 2	1.4	\$177,091	14%	1.5	\$191,714	14%

Goal 3 - Address the needs of minority populations through technical assistance, capacity building, outreach and program initiatives.	2016-17			2017-18 (budgeted)		
	# FTEs	Total Spent	% of All Agency Funds Available	# FTEs	Total Budgeted	% of All Agency Funds Available
Strategy 3.1 - Revise agency and program initiatives to address needs of minority populations (African American, Asian American, Hispanic/Latino, and Native American Indian).	0.45	\$56,962	4%	0.85	\$112,899	8%
Objective 3.1.1 - Conduct a minimum of one (1) agency-wide strategic planning meeting for new "CMA Agency Strategic Plan" by December 2017.						
Objective 3.1.2 - Research and identify a minimum of one (1) unique need for each population served by the CMA by March 2018.						
Objective 3.1.3 - Develop one (1) draft "CMA Agency Strategic Plan" internal document by December 2017.						
Objective 3.1.4 - Within 30 days of plan completion, CMA will begin to align program initiatives with agency strategic plan.						
Strategy 3.2 - Conduct capacity building, outreach, minority specific and micro-business assistance initiatives and trainings	2.83	\$347,477	27%	2.26	\$285,194	21%
Objective 3.2.1 - Review and amend as necessary, the "CMA Agency Training Index" that contains trainings provided internally and externally in the areas of capacity building, micro-business, outreach, minority-population specific.						
Objective 3.2.2 - Implement a minimum of ten (10) partnerships and collaborations through MOUs, grant agreements, committees, task forces and Board service to provide micro-business, capacity building, outreach and program services by June 2018.						
Objective 3.2.3 - Implementation of Native American Indian Program to strengthen family units by reducing recidivism and unemployment among Native American Indians inmates and providing referral services, counseling and cultural services to inmates and their families.						
Objective 3.2.4 - Implementation of an agreement with SC DSS and Catawba Indian Nation to provide Indian Child Welfare ACT (ICWA) expert witnesses for South Carolina cases in which an expert witness is needed.						
Objective 3.2.5 - Implement internship and/or mentoring program for Native American Affairs Initiative						
Objective 3.2.6 - Institute collaborative initiatives enlisting the use of HBCU's to improve reading and math skills to help decrease African American Male drop-out rates by June 2018.						

Goal 3 - Address the needs of minority populations through technical assistance, capacity building, outreach and program initiatives.	2016-17			2017-18 (budgeted)		
	# FTEs	Total Spent	% of All Agency Funds Available	# FTEs	Total Budgeted	% of All Agency Funds Available
Objective 3.2.7 - Establish a grant and resource clearinghouse for Hispanic communities by June 2018.						
Objective 3.2.1 - Implement internal CMA technical assistance, outreach, capacity building and information/referral forms by September 2016						
Strategy 3.3 - Increase collaboration and/or partnerships to address emergency preparedness needs of SC minority populations	<i>Strategy did not exist in FY 16-17.</i>			0.15	\$48,615	4%
Objective 3.3.1 - Provide outreach, technical assistance and support to SC Emergency Management Division for minority communities by June 2018						
Objective 3.3.2 - Establish partnerships and collaboration with Hispanic leaders and organizations to increase awareness of emergency preparedness by June 2018.						
Objective 3.3.3 - Provide outreach, technical assistance and support through an MOU to DHEC Emergency Preparedness Division for the "Bridging the Gap: Tribal Emergency Preparedness" Project by June 2018.						
Objective 3.3.4 - Provide outreach, technical assistance and support to state and federally recognized tribes to establish tribal emergency managers and preparedness plans by June 2018.						
Strategy 3.4 - Implementation of new Human Trafficking and Immigration initiatives at SC CMA	<i>Strategy did not exist in FY 16-17.</i>			1.41	\$171,325	12%
Objective 3.4.1 - Enter into an MOU with the statewide Human Trafficking Task Force managed through the SC Attorney General's Office to include the Commission for Minority Affairs as a member of the task force by June 2018.						
Objective 3.4.2 - Establish Polaris Project as the state's reporting hotline for sex trafficking calls and receiving reports that reflect sex trafficking trends in South Carolina by June 2018.						
Objective 3.4.3 - Establish an immigration hotline for the reporting, recording and collection of data regarding allegations of violations of federal immigration laws, provisions of South Carolina law by non United States citizens or immigrants, allegations of violations of any federal immigration laws or provisions in South Carolina law against any non United States citizen or immigrant, and labor trafficking by June 2018.						
Objective 3.4.4 - Hire program assistant to aid in the development of the Commission's program initiatives by December 2017.						

Goal 3 - Address the needs of minority populations through technical assistance, capacity building, outreach and program initiatives.	2016-17			2017-18 (budgeted)		
	# FTEs	Total Spent	% of All Agency Funds Available	# FTEs	Total Budgeted	% of All Agency Funds Available
Objective 3.4.5 - Establish state-wide public awareness campaigns to promote prevention of human trafficking and the immigration hotline by June 2018.						
TOTAL FOR GOAL 3	3.28	\$404,439	32%	4.67	\$618,033	45%

Goal 4 - Reduce the contributing factors causing poverty in SC's minority populations.	2016-17			2017-18 (budgeted)		
	# FTEs	Total Spent	% of All Agency Funds Available	# FTEs	Total Budgeted	% of All Agency Funds Available
Strategy 4.1 - Secure adequate funding to the SC Commission for Minority Affairs budget to increase the budget to a minimum of \$2 per minority person to support work to address the needs of minority populations and administer all programs.	0.08	\$26,923	2%	0.08	\$29,684	2%
Objective 4.1.1 - Provide data and supporting information in the form of one (1) "talking points and/or quick fact sheets" document to present to budget analysts and legislators as needed by September 2017.						
Strategy 4.2 - Research and assess currently funded poverty and minority programs within the state to identify and reduce gaps in services by June 2020.	0.55	\$65,863	5%	0.55	\$68,623	5%
Objective 4.2.1 - Create one (1) strategic framework document and/or work plan for accomplishing a multi-year research project by December 2018.						
Objective 4.2.2 - Seek state, private foundation, and grant related funding to add a minimum of one full-time researcher during each fiscal year (two by FY 2017-2018, one in FY 2018-2019, and one in FY 2019 - 2020) for a total of four researchers by the end of fiscal year 2020.						
Strategy 4.3 - Seek federal and other funding on behalf of the state for the purpose of implementing various programs and services for minority groups (African American, Asian American, Hispanic/Latino, and Native American Indian) including business, economic development, capacity building and outreach.	0.43	\$51,860	4%	0.87	\$87,206	6%
Objective 4.3.1 - Implementation of new USDA Rural Business Development Grant (RBEG) by September 2017.						

Goal 4 - Reduce the contributing factors causing poverty in SC's minority populations.	2016-17			2017-18 (budgeted)		
	# FTEs	Total Spent	% of All Agency Funds Available	# FTEs	Total Budgeted	% of All Agency Funds Available
Objective 4.3.2 - Research and identify a minimum of five (5) federal funding sources coming into South Carolina state agencies through block grants and other sources to determine future partnerships and collaborations by March 2018						
Objective 4.3.3 - Apply for a minimum of five (5) grants to support programs designed to alleviate factors contributing to poverty and deprivation by June 2018						
Objective 4.3.4 - Research and identify a minimum of five (5) partnerships and collaborations with federal, state and non-profit organizations to receive funds to support CMA programs by June 2017						
Objective 4.3.5 - Implementation of a new USDA Community Food Projects Grant for "Building Capacity for Tribal Food Sovereignty in SC by December 2017.						
Strategy 4.4 - Development of a state-wide strategy with recommendations for state agencies and partners to collaborate to reduce poverty in SC	<i>Strategy did not exist in FY 16-17.</i>			0.4	\$114,620	8%
Objective 4.4.1 - Draft a Strategic Action Plan comprised of cumulative outcomes from stakeholder input, "Working Together Works" Poverty Summit findings, data analysis, and collaborative group processing by June 2018						
Objective 4.4.2 - Develop the framework for statewide "Let's Talk" community meetings to ensure that the proposed work effectively positions the agency to reduce the contributing factors causing poverty in SC's minority populations by August 2017.						
Objective 4.4.3 - Complete and present a final Strategic Action Plan comprised of cumulative outcomes from stakeholder input, "Working Together Works" Poverty Summit findings, "Let's Talk" community meetings, data analysis and collaborative group processing by June 2018.						
TOTAL FOR GOAL 4	1.06	\$144,646	11%	1.9	\$300,133	22%

Goal 5 - Increase agency capacity through staff training opportunities.	2016-17			2017-18 (budgeted)		
	# FTEs	Total Spent	% of All Agency Funds Available	# FTEs	Total Budgeted	% of All Agency Funds Available
Strategy 5.1 - Provide professional development opportunities for agency staff.	0.48	\$63,669	5%	0.45	\$70,150	5%
Objective 5.1.1 - Each staff member attend a minimum one (1) professional development training opportunity that would enhance their professional development and performance by June 2017						
Objective 5.1.2 - Identify, establish and maintain memberships and participation in up to three (3) state and national organizations relevant to staff program areas by June 2017 (ongoing).						
Strategy 5.2 - Provide cross training opportunities for agency staff.	0.27	\$40,595	3%	0.27	\$43,355	3%
Objective 5.2.1 - Conduct a minimum of one (1) staff development meeting for staff to identify areas and duties for cross training on other program areas and duties within CMA by December 2016						
TOTAL FOR GOAL 5	0.75	\$104,264	8%	0.72	\$113,506	8%

AGENCY PERFORMANCE MEASURES

CMA provided its performance measures in its PER.⁶ The agency was asked to categorize each measure based on the definitions below:

Types of Performance Measures:

Outcome Measure - A quantifiable indicator of the public and customer benefits from an agency's actions. Outcome measures are used to assess an agency's effectiveness in serving its key customers and in achieving its mission, goals and objectives. They are also used to direct resources to strategies with the greatest effect on the most valued outcomes. Outcome measures should be the first priority. Example - % of licensees with no violations.

Efficiency Measure - A quantifiable indicator of productivity expressed in unit costs, units of time, or other ratio-based units. Efficiency measures are used to assess the cost-efficiency, productivity, and timeliness of agency operations. Efficiency measures measure the efficient use of available resources and should be the second priority. Example - cost per inspection

Output Measure - A quantifiable indicator of the number of goods or services an agency produces. Output measures are used to assess workload and the agency's efforts to address demands. Output measures measure workload and efforts and should be the third priority. Example - # of business license applications processed.

Input/Activity Measure - Resources that contribute to the production and delivery of a service. Inputs are "what we use to do the work." They measure the factors or requests received that explain performance (i.e. explanatory). These measures should be the last priority. Example - # of license applications received

The information on performance measures provided by CMA is reproduced in Table 6:

Table 6. Agency Performance Measures

Performance Measure	Type of Measure	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18
Statistical Reports (See List Below)		Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:2 Actual:2	Target:3 Actual:3	Target:3
1A. 2017 SC County Statistical Abstract	Outcome	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:1	Target:1
1B. 2016 State Of Minorities Report	Outcome	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:0 Actual:0	Target:0 Actual:0	Target:1
1C. 2017 CMA Annual Survey	Input/Activity	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:2 Actual:2	Target:2 Actual:2	Target:1
Other Agency Reports and Documents (See List Below)		Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:8 Actual:8	Target:8 Actual:8	Target:8
2A. 2015 CMA Key Findings Promulgation of Regulations Report	Input/Activity	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:1	Target:1 Actual:1	Target:1
2B. Review of CMA Statute and Program Areas	Input/Activity	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:1	Target:1 Actual:1	Target:1

2C. CMA Agency Strategic Plan	Input/Activity	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:1	Target:1 Actual:1	Target:1
2D. 2016 CMA Staff Internal Process and Procedures Manual (Update)	Input/Activity	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:1	Target:1 Actual:1	Target:1
2E. CMA Policies and Procedures Standards Document (Update)	Input/Activity	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:1	Target:1 Actual:1	Target:1
2F. CMA Staff Training Index	Input/Activity	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:1	Target:1 Actual:1	Target:1
2G. CMA Strategic Framework On Poverty and Minority Programs	Outcome	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:1	Target:1 Actual:1	Target:1
2H. CMA-GRIT Grant Final Report	Outcome	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:1	Target:1 Actual:1	Target:1
2I. CMA-RBEG Grant Final Report	Outcome	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:1	Target:1 Actual:1	Target:1
Statistical Surveys (See List Below)		Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:4 Actual:4	Target:4 Actual:4	Target:1
3A. CMA Annual Survey	Input/Activity	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:1	Target:1 Actual:1	Target:1
3B. CMA Technical Assistance Form	Input/Activity	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:1	Target:1 Actual:1	Target:0
3C. CMA Information and Referral Form	Input/Activity	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:1	Target:1 Actual:1	Target:0
3D. CMA Outreach Form	Input/Activity	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:1	Target:1 Actual:1	Target:0
Public Policy and Legislation (See List Below)		Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:4 Actual:0	Target:4 Actual:1	Target:0
4A. S196-Human Trafficking	Outcome	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:0	Target:1 Actual:1	Target:0
4B. S279-Small-Minority Business Assistance Office	Outcome	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:0	Target:1 Actual:0	Target:0
4C. S356-State Recognition of Groups	Outcome	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:0	Target:1 Actual:0	Target:0

4D. S674-Workers Compensation Act	Outcome	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:0	Target:1 Actual:0	Target:0
Funds Collected; Grants and Other Agency Funded Partnerships	Input/Activity	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:1	Target:1 Actual:1	Target:2
Technical Assistance, Capacity Building and Outreach To County Public and Congressional Officials (46 and 7), Legislators (134), Cities and Towns in SC (273)	Outcome	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:456 Actual:456	Target:456 Actual:456	Target:500
Training - External	outcome	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:8 Actual:8	Target:8 Actual:8	Target:10
Training - Internal	Input/Activity	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:3 Actual:3	Target:8 Actual:8	Target:10
Research Partnerships (See List Below)		Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:8 Actual:8	Target:15 Actual:15	Target:13
9A. Research Partnerships and Collaborations	Input/Activity	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:1	Target:3 Actual:3	Target:3
9B. Partnerships and Collaborations - Federal, State, and Nonprofit Organizations	Input/Activity	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:5 Actual:5	Target:10 Actual:10	Target:10
9C. College and University Partnerships Related To The U. S. Department of Education	Input/Activity	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:1	Target:1 Actual:1	Target:0
9D. Partnership With One Native American entity to identify grant opportunities	Input/Activity	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:1	Target:1 Actual:1	Target:0
Events and Workshops (See List Below)		Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:9 Actual:11	Target:8 Actual:10	Target:7
10A. 2017 SC Statistical Abstract Event	Outcome	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:1	Target:1 Actual:1	Target:0
10B. 2016-2017 Advisory Committee Meetings (Minimum of 6)	outcome	Target:6 Actual: 6	Target:6 Actual: 7	Target:6 Actual: 8	Target:6 Actual: 8	Target:6 Actual: 8	Target:6
10C. 2016-2017 SC Native American State Recognition Application Workshops	outcome	Target:2 Actual: 2	Target:2 Actual:2	Target:2 Actual:2	Target:2 Actual: 2	Target:1 Actual:1	Target:1

Internal Planning Events (See List Below)		Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:0 Actual:0	Target:3 Actual:3	Target:2
11A. CMA Strategic Planning Meeting (1)	Input/Activity	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:1	Target:1
11B. CMA Staff Professional Development Meetings (2)	Input/Activity	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:1	Target:1
11C. CMA Staff Technical Assistance, Capacity Building, Information Referral Process Training (1)	Input/Activity	Target:0 Actual: 0	Target:0 Actual:0	Target:0 Actual:0	Target:0 Actual:0	Target:1 Actual:1	Target:0

ENDNOTES

- ¹ S.C. House of Representatives, House Legislative Oversight Committee, “2016-17 Agency Accountability Report,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Commission for Minority Affairs,” and then under “Oversight Reports and Studies”
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/Accountability%20Report%20-%202016-2017.pdf> (accessed November 15, 2017), pp. 19-26.
- ² S.C. House of Representatives, House Legislative Oversight Committee, “Agency’s PER (Program Evaluation Report) (September 29, 2017),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Commission for Minority Affairs,” and then under “Oversight Reports and Studies”
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/MinorityAffairs/PER%20-%20Complete%20PDF.PDF> (accessed November 3, 2017), pp. 13-18. Hereinafter, “[Agency PER](#).”
- ³ [Agency PER](#), p. 35.
- ⁴ [Agency PER](#), pp. 20-31.
- ⁵ [Agency PER](#), pp. 35-37.
- ⁶ [Agency PER](#), pp. 32-34.



- Website - <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>
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