

# GAO Highlights

Highlights of [GAO-17-790T](#), a testimony before the Committee on Indian Affairs, U.S. Senate

## Why GAO Did This Study

GAO's High-Risk Series identifies federal program areas needing attention from Congress and the executive branch. GAO added federal management of programs that serve Indian tribes and their members to its February 2017 biennial update of high-risk areas in response to serious problems with management and oversight by Interior and HHS.

This testimony identifies GAO's recommendations to Interior and HHS from prior GAO reports on the federal management and oversight of Indian education, energy resources, and health care that remain unimplemented. It also examines agencies' recent actions to address the recommendations and the extent to which these actions address GAO's recommendations. To conduct this work, GAO reviewed and analyzed agency documentation on actions taken to implement the recommendations and conducted interviews with agency officials.

## What GAO Recommends

GAO cited nearly 40 unimplemented recommendations in its February 2017 High Risk report on federal programs for Indian tribes in education, energy development, and health care, and added 12 recommendations in two new reports on BIE school safety and construction in late May of this year. Sustained focus by Interior and HHS in fully implementing these recommendations and continued oversight by Congress are essential to achieving progress in these areas.

View [GAO-17-790T](#). For more information, contact Melissa Emrey-Arras at (617) 788-0534 or [emreyarrasm@gao.gov](mailto:emreyarrasm@gao.gov)

September 13, 2017

## HIGH RISK

### Status of Prior Recommendations on Federal Management of Programs Serving Indian Tribes

## What GAO Found

As discussed in the 2017 High Risk report, GAO has identified numerous weaknesses in how the Department of the Interior (Interior) and the Department of Health and Human Services (HHS) manage programs serving Indian tribes. Specifically, these weaknesses were related to Interior's Bureau of Indian Education (BIE) and Bureau of Indian Affairs (BIA)—under the Office of the Assistant Secretary-Indian Affairs (Indian Affairs)—in overseeing education services and managing Indian energy resources, and HHS's Indian Health Service (IHS) in administering health care services. GAO cited nearly 40 recommendations in its 2017 High Risk report that were not implemented, and has since made an additional 12 recommendations in two new reports on BIE school safety and construction published in late May of this year. Interior and HHS have taken some steps to address these recommendations but only one has been fully implemented.

- **Education.** GAO has found serious weaknesses in Indian Affairs' oversight of Indian education. For example, in 2016, GAO found that the agency's lack of oversight of BIE school safety contributed to deteriorating facilities and equipment in school facilities. At one school, GAO found seven boilers that failed inspection because of safety hazards, such as elevated levels of carbon monoxide and a natural gas leak. In 2017, GAO found key weaknesses in the way Indian Affairs oversees personnel responsible for inspecting BIE school facilities for safety and manages BIE school construction projects. Of GAO's 23 recommendations on Indian education—including recommendations cited in GAO's 2017 High Risk report and in two late May reports—none have been fully implemented.
- **Energy resource management.** In three prior reports on Indian energy, GAO found that BIA inefficiently managed Indian energy resources and the development process, thereby limiting opportunities for tribes and their members to use those resources to create economic benefits and improve the well-being of their communities. GAO categorized concerns associated with BIA management of energy resources and the development process into four broad areas, including oversight of BIA activities, collaboration, and BIA workforce planning. GAO made 14 recommendations to BIA to address its management weaknesses, which were cited in the 2017 High Risk report. However, none have been fully implemented.
- **Health care.** GAO has found that IHS provides inadequate oversight of its federally operated health care facilities and of its Purchased/Referred Care program. For example, in 2016 and 2017, GAO found that IHS provided limited and inconsistent oversight of the timeliness and quality of care provided in its facilities and that inconsistencies in oversight were exacerbated by significant turnover in area leadership. GAO also found that IHS did not to equitably allocate funds to meet the health care needs of Indians. Of GAO's 13 recommendations on Indian health care cited in GAO's 2017 High Risk report, one has been fully implemented.



Testimony  
Before the Committee on Indian Affairs,  
U.S. Senate

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## HIGH RISK

# Status of Prior Recommendations on Federal Management of Programs Serving Indian Tribes

Statement of Melissa Emrey-Arras, Director,  
Education, Workforce, and Income Security

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Chairman Hoeven, Vice Chairman Udall, and Members of the Committee:

I am pleased to be here today to discuss the status of our recommendations to the Departments of the Interior (Interior) and Health and Human Services (HHS) on programs that serve tribes and their members. As you know, we added this area to our High Risk list in February 2017 in response to serious problems in these agencies' management and oversight of Indian education, health care programs, and energy resources, which were highlighted in various prior reports.<sup>1</sup>

In particular, we have found numerous weaknesses in how Interior's Bureau of Indian Education (BIE) and Bureau of Indian Affairs (BIA) and HHS's Indian Health Service (IHS) have administered education and health care services, which has put the health and safety of American Indians served by these programs at risk. These weaknesses included poor conditions at BIE school facilities that endangered students, and inadequate oversight of health care that hindered IHS's ability to ensure quality care to Indian communities. In addition, we have reported that BIA has mismanaged Indian energy resources and thereby limited opportunities for tribes and their members to use those resources to create economic benefits and improve the well-being of their communities. As a result of these weaknesses, we cited nearly 40 recommendations we made in prior reports in our February 2017 High Risk report that were not implemented. We also made an additional 12 recommendations in two new reports on BIE school safety and construction in late May of this year.<sup>2</sup> As I will discuss, Interior and HHS have taken some steps to address these recommendations, but only one has been fully implemented.

In 2016, Congress found in the Indian Trust Asset Reform Act that "through treaties, statutes, and historical relations with Indian tribes, the United States has undertaken a unique trust responsibility to protect and

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<sup>1</sup>GAO, *High-Risk Series: Progress on Many High-Risk Areas, While Substantial Efforts Needed on Others*, [GAO-17-317](#) (Washington, D.C.: Feb. 15, 2017).

<sup>2</sup>In a May 2017, we also published a report related to road conditions on tribal lands and how these conditions relate to students' school attendance, which included 8 recommendations to Interior to improve collection of data on roads on tribal lands, among other issues. For more information, see GAO, *Tribal Transportation: Better Data Could Improve Road Management and Inform Indian Student Attendance Strategies*, [GAO-17-423](#) (Washington, D.C.: May 22, 2017).

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support Indian tribes and Indians.”<sup>3</sup> As further stated in that act, the fiduciary responsibilities of the United States to Indians arise in part from commitments made in treaties and agreements, in exchange for which Indians surrendered claims to vast tracts of land, and this history of federal-tribal relations and understandings has benefitted the people of the United States and established “enduring and enforceable [f]ederal obligations to which the national honor has been committed.” Through improvements to federal management of programs that serve tribes and their members, agencies can improve the efficiency of federal programs under which services are provided to tribes and their members. This would be consistent with the expressed view of Congress as to the federal government’s trust responsibilities, and would strengthen confidence in the performance and accountability of our federal government. In light of this unique trust responsibility and concern about the federal government ineffectively administering Indian education and health care programs and mismanaging Indian energy resources, we added these programs as a high-risk area because they uniquely affect tribal nations and their members.

The focus of our high risk issue area is on management weaknesses within federal agencies that administer programs that serve tribes and their members. However, not all federal programs are administered by federal agencies. In accordance with federal Indian policy that recognizes the right of Indian tribes to self-government and supports tribal self-determination, a number of tribes have elected to take over administration of certain federal programs and services from BIA, BIE, and IHS. Our recommendations identified in the high risk issue area do not necessarily reflect on the performance of programs administered by tribes.

My testimony today will discuss our recommendations to Interior and HHS on these issues. We will also describe the actions that these agencies have taken to implement our recommendations, as well as our evaluation of the extent to which these actions address our recommendations.

This testimony draws on recent updates we have received from Interior and HHS on our prior recommendations summarized in our High Risk report in February 2017 and recommendations in two reports on BIE

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<sup>3</sup>Pub. L. No. 114-178, § 101 (2016)(codified at 25 U.S.C. § 5601).

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school safety and construction published in late May of this year.<sup>4</sup> To conduct our prior issued work, we reviewed relevant federal laws, regulations, and policies; reviewed and analyzed federal data; and interviewed tribal, federal, and industry officials, among others. More detailed information on our scope and methodology can be found in each of the cited reports.<sup>5</sup>

We conducted the work on which this testimony is based 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.

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## Background

In 1990, GAO began a program to report on government operations that we identified as “high risk.” Since then, generally coinciding with the start of each new Congress, we have reported on the status of progress addressing previously identified high-risk areas and have updated the High-Risk List to add new high-risk areas. Our most recent high-risk update in February 2017 identified 34 high-risk areas.<sup>6</sup>

Overall, our high-risk program has served to identify and help resolve serious weaknesses in areas that involve substantial resources and provide critical services to the public. Since the program began, the federal government has taken high-risk problems seriously and has made long-needed progress toward correcting them. In a number of cases, progress has been sufficient for us to remove the high-risk designation.

To determine which federal government programs and functions should be designated high risk, we use our guidance document, *Determining Performance and Accountability Challenges and High Risks*.<sup>7</sup> In making

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<sup>4</sup>GAO, *Indian Affairs: Further Actions Needed to Improve Oversight and Accountability for School Safety Inspections*, [GAO-17-421](#) (Washington, D.C.: May 24, 2017); and GAO, *Indian Affairs: Actions Needed to Better Manage Indian School Construction Projects*, [GAO-17-447](#) (Washington, D.C.: May 24, 2017).

<sup>5</sup>For a list of related reports, see [GAO-17-317](#), [GAO-17-421](#), and [GAO-17-447](#).

<sup>6</sup>[GAO-17-317](#).

<sup>7</sup>GAO, *Determining Performance and Accountability Challenges and High Risks*, [GAO-01-159SP](#) (Washington, D.C.: November 2000).

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this determination, we consider whether the program or function is of national significance or is key to the performance and accountability of the federal government, among other things.

Our experience has shown that the key elements needed to make progress in high-risk areas are top-level attention by the administration and agency leaders grounded in the five criteria for removal from the High-Risk List, as well as any needed congressional action.<sup>8</sup> The five criteria for removal that we identified in November 2000 are listed in table 1 below.

**Table 1: Criteria for Removal from GAO's High Risk List**

<b>Leadership Commitment</b>	<b>Demonstrated strong commitment and top leadership support.</b>
Capacity	The agency has the capacity (i.e., people and resources) to resolve the risk(s).
Action Plan	A corrective action plan exists that defines the root cause, solutions, and provides for substantially completing corrective measures, including steps necessary to implement solutions we recommended.
Monitoring	A program has been instituted to monitor and independently validate the effectiveness and sustainability of corrective measures.
Demonstrated Progress	Ability to demonstrate progress in implementing corrective measures and in resolving the high-risk area.

Source: GAO. | GAO-17-790T

In each of our high-risk updates, we have assessed agencies' progress to address the five criteria for removing a high-risk area from the list using the following definitions:

- **Met.** Actions have been taken that meet the criterion. There are no significant actions that need to be taken to further address this criterion.
- **Partially Met.** Some, but not all, actions necessary to meet the criterion have been taken.

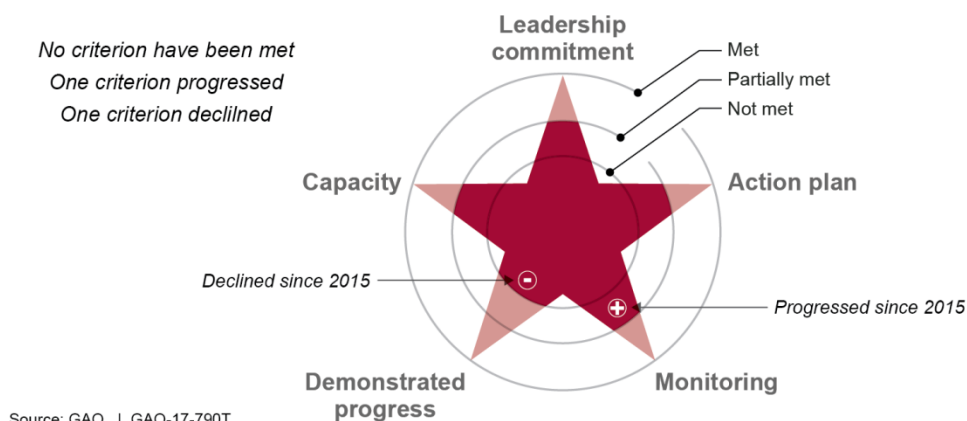
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<sup>8</sup>[GAO-01-159SP](#).

- **Not Met.** Few, if any, actions towards meeting the criterion have been taken.

Figure 1, which is based on a general example, shows a visual representation of varying degrees of progress in each of the five criteria for a high-risk area. We use this system to assess and track the progress of all agencies with areas on our High Risk list. When we rate Interior and HHS's progress on Improving Federal Management of Programs that Serve Tribes and Their Members for the first time in our 2019 High Risk report, we will provide similar information.

**Figure 1: High-Risk Progress Criteria Ratings**



Source: GAO. | GAO-17-790T

Note: Each point of the star represents one of the five criteria for removal from the High-Risk List and each ring represents one of the three designations: not met, partially met, or met. An unshaded point at the innermost ring means that the criterion has not been met, a partially shaded point at the middle ring means that the criterion has been partially met, and a fully shaded point at the outermost ring means that the criterion has been met.

## Status of GAO's Recommendations on Indian Education

As we have previously reported, the Office of the Assistant Secretary-Indian Affairs (Indian Affairs), through BIE, is responsible for providing quality education opportunities to Indian students and oversees 185 elementary and secondary schools that serve approximately 41,000 students on or near Indian reservations in 23 states, often in rural areas and small towns. About two-thirds of BIE schools are operated by tribes, primarily through federal grants, and about one-third are operated directly by BIE. BIE's Indian education programs originate from the federal government's trust responsibility to Indian tribes. It is the policy of the

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United States to fulfill this trust responsibility for educating Indian children by working with tribes to ensure that education programs are of the highest quality and, in accordance with this policy, Interior is responsible for providing children a safe and healthy environment in which to learn.

All BIE schools—both tribally- and BIE-operated—receive almost all of their operational funding from federal sources—namely, Interior and the Department of Education (Education)—totaling about \$1.2 billion in 2016. Indian Affairs considers many BIE schools to be in poor condition.

BIE is primarily responsible for its schools' educational functions, while their administrative functions—such as safety, facilities, and property management—are divided mainly between two other Indian Affairs' offices: BIA and the Office of the Deputy Assistant Secretary of Management.

As discussed below, we have made 23 recommendations to Interior on Indian education—including recommendations cited in GAO's 2017 High Risk report and included in two late May reports. Interior generally agreed with our recommendations. However, none have been fully implemented.

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## Indian Affairs' Management and Accountability for BIE Schools

In our 2017 High Risk report, we cited 3 recommendations from a 2013 report on management challenges facing Indian Affairs, with which Interior agreed, and these recommendations remain unimplemented as of late August 2017.<sup>9</sup> These recommendations were based on our findings of Indian Affairs' poor management and lack of accountability for BIE schools. In particular, we found that BIE did not have procedures in place specifying who should be involved in making key decisions, resulting in inaccurate guidance provided to some BIE schools about the appropriate academic assessment required by federal law. We also found that Indian Affairs had not developed a strategic plan with specific goals and measures for itself or BIE or conducted workforce analysis to ensure it has the right people in place with the right skills to effectively meet the needs of BIE schools. Further, we found that fragmented administrative services for BIE schools and a lack of clear roles for BIE and Indian Affairs' Office of the Deputy Assistant Secretary for Management

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<sup>9</sup>GAO, *Indian Affairs: Better Management and Accountability Needed to Improve Indian Education*, [GAO-13-774](#) (Washington, D.C.: Sept. 24, 2013). This report also made 2 recommendations that we closed prior to our 2017 High Risk report because the agency had fully implemented them.



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contributed to delays in BIE schools acquiring needed materials, such as textbooks. As a result, we recommended that Indian Affairs develop decision-making procedures and a strategic plan for BIE and revise its workforce plan, among other areas.

Of the 3 unimplemented recommendations we made to Interior on Indian Affairs' management and accountability for BIE schools, agency officials reported that they have taken several actions to address them, including drafting written procedures for BIE decision-making; starting to develop a strategic plan for BIE; and conducting workforce planning. Indian Affairs' actions to implement our recommendations to develop decision-making procedures and a strategic plan for BIE had not been completed as of late August. Indian Affairs officials told us they believed they had fully implemented our recommendation on strategic workforce planning. However, in reviewing their supporting documentation, we determined that their actions did not address our recommendation to ensure that the staff who are responsible for providing administrative support to BIE schools have the requisite skills and knowledge and are placed in the appropriate offices. For a full description of the agency's actions and our evaluation of these actions, see recommendations in table 2 in appendix I.

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## Oversight of BIE School Spending

We made 4 recommendations in a 2014 report on BIE's oversight of school spending, none of which have been implemented.<sup>10</sup> These recommendations were based on our findings of key weaknesses in Indian Affairs' oversight of BIE school spending. In particular, we found that BIE lacked sufficient staff with expertise to oversee school expenditures, and as a result, these staff told us they lacked the knowledge and skills to understand the audits they needed to review. We also found that some staff did not have access to some of these audits. In addition, we found that BIE lacked written procedures and a risk-based approach to overseeing school spending—both integral to federal internal control standards—which resulted in schools' misuse of federal funds. For example, external auditors identified \$13.8 million in unallowable spending at 24 schools. Auditors also found that one school lost about \$1.7 million in federal funds that were improperly transferred to off-shore accounts. As a result, we recommended that Indian Affairs take several

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<sup>10</sup>GAO, *Indian Affairs: Bureau of Indian Education Needs to Improve Oversight of School Spending*, [GAO-15-121](#) (Washington, D.C.: Nov. 13, 2014).

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actions to address these oversight weaknesses, including developing written procedures and a risk-based approach to monitor school spending and a process to share relevant information, such as audit reports, with all BIE staff responsible for overseeing BIE school spending, among other areas.

Of the 4 unimplemented recommendations we made to Interior on the oversight of BIE school spending, agency officials reported taking several actions, including providing their auditors with needed access to schools' audit reports. Officials also said they would put in place written procedures and a risk-based approach to improve the financial monitoring of BIE schools. As of late August 2017, officials had not provided us with documentation of any steps they have taken to improve oversight of school spending. For a full description of the agency's actions and our evaluation of these actions, see recommendations in table 2 in appendix I.

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## Safety and Health at Indian School Facilities

We made 4 recommendations in a 2016 report on the safety and health of BIE school facilities, none of which have been implemented.<sup>11</sup> These recommendations were based on our findings that Indian Affairs was not annually inspecting all BIE schools, as required by Indian Affairs' policy. We also found that the agency did not have a plan to monitor safety inspections across its regions to ensure that inspection practices were consistent and supported the collection of complete and accurate inspection information. Further, we found the agency had not taken steps to assist BIE schools to build their capacity to address identified safety deficiencies. Some school officials we spoke to reported lacking staff with the knowledge and skills necessary to understand and address safety issues. Further, at one school we visited, we found seven boilers that failed inspection because of multiple high-risk safety deficiencies, including elevated levels of carbon monoxide and a natural gas leak. Four of the boilers were located in a student dormitory, and three were located in classroom buildings. All but one of the boilers were about 50 years old. Although the poor condition of the boilers posed an imminent danger to the safety of students and staff, most of them were not repaired until about 8 months after failing their inspection, prolonging safety risks to students and staff. As a result of these findings, we recommended that

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<sup>11</sup>GAO, *Indian Affairs: Key Actions Needed to Ensure Safety and Health at Indian School Facilities*, [GAO-16-313](#) (Washington, D.C.: Mar 10, 2016).

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Indian Affairs take several actions, including developing a plan to build BIE schools' capacity to address safety hazards identified by BIA inspectors, among other areas.

Of the 4 unimplemented recommendations we made to Interior on ensuring safety and health at BIE schools, Indian Affairs completed safety inspections at all BIE schools in 2016, among other actions. However, based on our review of the agency's actions, we determined that several steps remain for these recommendations to be fully implemented. For example, as of late August 2017 the agency had not provided us with documentation that it has developed a plan for monitoring safety inspections across its regions to ensure that inspection practices are consistent. Further, Indian Affairs did not provide documentation that it had taken any actions to develop a plan to build BIE schools' capacity to address safety and health problems identified with their facilities. For a full description of the agency's actions and our evaluation of these actions, see recommendations in table 2 in appendix I.

We also made 6 recommendations in a May 2017 report on oversight and accountability for BIE school safety inspections, none of which have been implemented.<sup>12</sup> These recommendations were based on our findings of key weaknesses in Indian Affairs' oversight of school safety inspections. In particular, we found that Interior and Indian Affairs had not taken actions to address identified weaknesses in BIA's safety program, despite internal evaluations since 2011 that consistently found it to be failing. For example, no Indian Affairs office routinely monitored the quality or timeliness of inspection reports, and BIA employees were not held accountable for late reports despite a new employee performance standard on timely report submission. We found that 28 of 50 inspection reports we reviewed were incomplete, inaccurate, or unclear, including reports in which inspectors did not include all school facilities or incorrectly gave schools a year to fix broken fire alarms instead of the required 24 hours. We concluded that unless steps are taken to address safety program weaknesses, the safety and health of BIE students and staff may be at risk. As a result, we recommended that Indian Affairs take steps to address weaknesses in BIA's safety program, including establishing processes to monitor the quality and timeliness of BIE school inspection reports, among other areas.

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<sup>12</sup>[GAO-17-421](#).

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Of these 6 unimplemented recommendations we made to Interior to improve its oversight of school safety inspections, Indian Affairs reported taking several actions. In particular, Indian Affairs reported that its safety office had established a procedure to monitor the timeliness of inspection report submissions to schools, and that BIA is currently developing a corrective action plan to address findings and recommendations from a 2016 Interior review of BIA's safety program. However, as of late August 2017, Indian Affairs had not provided us with any documentation on these two actions. For a full description of the agency's actions and our evaluation of these actions, see recommendations in table 2 in appendix I.

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## Indian Affairs' Oversight of School Construction Projects

We made 6 recommendations in a May 2017 report on school construction projects, none of which have been implemented.<sup>13</sup> These recommendations were based on our findings of key weaknesses in Indian Affairs' oversight of school construction projects. In particular, we found that Indian Affairs did not have a comprehensive capital asset plan to guide the allocation of funding for school construction projects. We concluded that until Indian Affairs develops such a plan, it risks using federal funds inefficiently and not prioritizing funds to schools with the most pressing needs. Additionally, we found that Indian Affairs has not consistently used accountability measures or conducted sufficient oversight to ensure that BIE school construction projects are completed on time, within budget, and meet schools' needs. For instance, Indian Affairs has not always used accountability measures, such as warranties, to have builders replace defective parts or repair poor workmanship, and project managers do not always understand how to use accountability measures because Indian Affairs had not provided them guidance. We concluded that until Indian Affairs develops and implements guidance to ensure accountability throughout the school construction process and improves its oversight of construction projects, it will have little assurance they are completed satisfactorily and meet the needs of students and staff. As a result, we recommended that Indian Affairs take several actions, including developing a comprehensive capital asset plan and guidance on the effective use of accountability measures for managing BIE school construction projects, among other areas.

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<sup>13</sup>[GAO-17-447](#).

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Of these 6 unimplemented recommendations that we made to Interior to improve its oversight of BIE school construction projects, Indian Affairs reported taking several actions. For example, Indian Affairs reported that to support the effective use of accountability measures, it established new oversight mechanisms, hired staff with expertise in construction contracting, and administered training for contracting staff. As of late August 2017, however, Indian Affairs had not provided us any documentation of these steps, so we cannot verify that the actions were responsive to our recommendations. Further, Indian Affairs did not report taking any actions to develop guidance on the effective use of accountability measures, which our recommendation specifies. Indian Affairs also reported that it is currently in the process of establishing a new work group to focus on asset management and will continue working to develop a capital asset management plan. Finally, the agency reported it was planning to take several other actions to address our recommendations. For a full description of the agency's actions and our evaluation of these actions, see recommendations in table 2 in appendix I.

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## Status of GAO's Recommendations on Indian Energy

As we have previously reported, some tribes and their members hold abundant energy resources and have decided to develop these resources to meet the needs of their community, in part because energy development provides opportunities to improve poor living conditions, decrease high levels of poverty, and fund public services for tribal members. While tribes and their members determine how to use their energy resources, if the resources are held in trust or restricted status, BIA—through its 12 regional offices, 85 agency offices, and other supporting offices—generally must review and approve leases, permits, and other documents required for the development of these resources.

In the past 2 years, we have reported that BIA has mismanaged Indian energy resources held in trust, thereby limiting opportunities for tribes and their members to use those resources to create economic benefits and improve the well-being of their communities.<sup>14</sup> Specifically, we issued 3 reports that identified concerns associated with BIA management of energy resources and categorized those concerns into the following four

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<sup>14</sup>Trust resources are held for the beneficial interest of the tribe or a member, and restricted resources are owned by the tribe or a member but subject to restrictions on alienation. Trust and restricted resources generally cannot be leased without approval of the Secretary of the Interior, who has generally delegated this authority to BIA.

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areas: (1) BIA's data and technology; (2) oversight of BIA activities; (3) collaboration and communication; and (4) BIA's workforce planning.<sup>15</sup>

As discussed below, we made 14 recommendations to BIA to help address BIA management weaknesses that were cited in our 2017 High Risk report. BIA generally agreed with these recommendations. However, none have been fully implemented.

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## BIA's Data and Technology

We made 2 recommendations related to data and technology for which BIA has taken some actions and made some progress to implement. However, neither of these recommendations has been fully implemented.<sup>16</sup> We made these recommendations based on our June 2015 findings that BIA did not have the necessary geographic information systems (GIS) mapping data and that BIA's federal cadastral surveys cannot be found or are outdated.<sup>17</sup> According to Interior guidance, GIS mapping technology allows managers to easily identify resources available for lease and where leases are in effect. However, we found that BIA did not have the necessary GIS mapping data for identifying who owns and uses resources, such as existing leases. We also found that BIA could not verify who owned some Indian resources or identify where leases were in effect in a timely manner because, in part, federal cadastral surveys could not be found or were outdated.<sup>18</sup> In addition, we found the extent of this deficiency was unknown because BIA did not maintain an inventory of Indian cadastral survey needs, as called for in Interior guidance.

Of the 2 unimplemented recommendations to help ensure that BIA can verify ownership in a timely manner and identify resources available for development, BIA has taken several actions. Regarding GIS data, BIA

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<sup>15</sup>GAO, *Indian Energy Development: Additional Actions by Federal Agencies Are Needed to Overcome Factors Hindering Development*, [GAO-17-43](#) (Washington, D.C.: Nov. 10, 2016); GAO, *Indian Energy Development: Interior Could Do More to Improve Its Process for Approving Revenue-Sharing Agreements*, [GAO-16-553](#) (Washington, D.C.: June 13, 2016); and GAO, *Indian Energy Development: Poor Management by BIA Has Hindered Energy Development on Indian Lands*, [GAO-15-502](#) (Washington, D.C.: June 8, 2015).

<sup>16</sup>[GAO-15-502](#).

<sup>17</sup>Cadastral surveys are the means by which land is defined, divided, traced, and recorded.

<sup>18</sup>[GAO-15-502](#).

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officials told us that the agency has integrated and deployed data viewing and map creation capabilities into its database for recording and maintaining historical and current data on ownership and leasing of Indian land and mineral resources—the Trust Asset and Accounting Management System (TAAMS)—on August 31, 2017. We will work with BIA to obtain the documentation needed to determine if the deployed GIS capability has the functionality for us to consider this recommendation as fully implemented. Regarding cadastral surveys, according to a BIA official, the agency requested that each of its 12 regions review and identify historic survey requests from a data system that has not been fully maintained or consistently used since 2011 to determine if the requests are still valid. BIA officials told us the next step is to create a new database that will track cadastral survey needs and a reporting mechanism for each BIA region to use when making new survey requests. According to BIA officials, the agency anticipates the new database and reporting mechanism will be deployed by September 30, 2017. For a full description of the agency’s actions and our evaluation of these actions, see table 3 in appendix II.

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## BIA’s Oversight of Its Review Process for Energy Development

We made 5 recommendations to BIA related to its review process for energy development, none of which have been fully implemented. In June 2015 and June 2016,<sup>19</sup> we found that BIA did not have a documented process or the data needed to track its review and response times throughout the development process, including the approval of leases, rights-of-way (ROW) agreements,<sup>20</sup> and communitization agreements (CA).<sup>21</sup> The ability to track and monitor the review of permits and applications is a best practice to improve the federal review process.

Of the 5 unimplemented recommendations we made to help ensure that BIA fulfills its responsibilities concerning the review and approval of documents related to energy development in an efficient and transparent

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<sup>19</sup>[GAO-15-502](#) and [GAO-16-553](#).

<sup>20</sup>A ROW is an authorization to a qualified individual, business, or government entity to use a specific area of land for a specific amount of time for a certain purpose and with certain restrictions.

<sup>21</sup>The federal government, tribes, Indian mineral owners, state governments, and private landowners can lease land to companies for the development of oil and gas resources. A revenue-sharing agreement, known as a communitization agreement—may be necessary for royalty allocation when federal or Indian leases are involved that cannot be independently developed.

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manner, BIA has taken some actions and identified other actions it plans to take. For example, on May 17, 2017, the Acting Assistant Secretary-Indian Affairs testified before this committee that a group of BIA subject matter experts have been working to modify TAAMS, incorporating the key identifiers and data fields needed to track and monitor review and response times for oil and gas leases and agreements. The Acting Assistant Secretary also stated that BIA is in the process of evaluating and reviewing the current realty tracking system and TAAMS to improve efficiencies and timeliness in processing workloads. BIA identified actions to track and monitor review and response times for oil and gas leases and agreements; however, BIA did not indicate whether it intends to track and monitor its review of other energy-related documents, such as ROW agreements, that must be approved before tribes can develop resources.

In another example, on May 17, 2017, the Acting Assistant Secretary-Indian Affairs testified before this committee that a National Policy Memorandum has been developed that establishes time frames for review and approval of Indian CAs. The Acting Assistant Secretary also stated that such time frames will also be incorporated into the BIA Fluid Mineral Estate Procedural Handbook and the Onshore Energy and Mineral Lease Management Interagency Standard Operating Procedures. However, in our review of the National Policy Memorandum we did not find that it establishes time frames for review and approval of Indian CAs. In response to our request for clarification, a BIA official told us the agency is in the process of drafting suggested time frames. For a full description of the agency's actions and our evaluation of these actions, see table 3 in appendix II.

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## BIA's Collaboration and Communication

We made 5 recommendations related to collaboration and communication in our June 2015 and November 2016 reports. BIA has taken some actions, but the actions are generally limited in scope and none of these recommendations have been fully implemented. We found in our November 2016 report that BIA has taken steps to form an Indian Energy Service Center that is intended to, among other things, help expedite the permitting process associated with Indian energy development.<sup>22</sup> However, we found several weaknesses in BIA's collaboration processes and structure. For example, in November 2016, we reported that BIA did not coordinate with other key regulatory agencies that can have a role in

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<sup>22</sup>[GAO-17-43](#).



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the development of Indian energy resources, including Interior's Fish and Wildlife Service (FWS), the Army Corps of Engineers (Corps), and the Environmental Protection Agency (EPA). As a result, the Service Center was neither established as the central point for collaborating with all federal regulatory partners generally involved in energy development, nor did it serve as a single point of contact for permitting requirements.<sup>23</sup>

In addition, BIA did not include the Department of Energy (DOE) in a participatory, advisory, or oversight role in the development of the Service Center.<sup>24</sup> Further, although Interior's Office of Indian Energy and Economic Development (IEED) developed the initial concept and proposal for the Service Center and has special expertise regarding the development of Indian energy resources, BIA did not include IEED in the memorandum of understanding (MOU) establishing the Service Center. BIA also did not document the rationale for key management decisions or the alternatives considered in forming the Service Center—a leading practice for effective organizational change.<sup>25</sup> In addition, several tribal leaders and tribal organizations made suggestions that were not currently reflected in BIA's Service Center. Without documentation on alternatives considered, it was unclear whether these requests were appropriately considered.

Of the 5 unimplemented recommendations to help improve efficiencies in the federal regulatory process, BIA reported that it has taken some actions. For example:

- According to a BIA official, the agency has initiated discussions with FWS, EPA, and the Corps in an effort to establish formal agreements. BIA has a target of December 31, 2017, to establish these agreements. However, in its current structure, the Service Center is not serving as a lead agency or single point of contact to coordinate and navigate the regulatory process. Without additional information, it is unclear if the formal agreements alone will allow the Service Center to serve this role. We will continue to work with BIA officials to understand how the formal agreements with other regulatory agencies will help to transform the Service Center into a central point of contact for Indian energy development.

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<sup>23</sup>GAO-15-502 and GAO-17-43.

<sup>24</sup>GAO-17-43.

<sup>25</sup>GAO-17-43.

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- According to a BIA official, the agency developed and is currently reviewing an addendum to expand an existing MOU between DOE and IEED to include the Service Center. However, the existing MOU between DOE and IEED does not identify the role for these agencies as related to the Service Center. As such, the addendum, as currently described to us by a BIA official, will not fully implement our recommendation.
  - On May 17, 2017, the Acting Assistant Secretary- Indian Affairs testified before this committee that Interior considers this recommendation implemented because (1) the development of the Service Center was the result of a concept paper produced by a multi-agency team and (2) a multi-agency team held a tribal listening session, received written comments, and conducted conference calls in an effort to gather input from relevant stakeholders.<sup>26</sup> We do not agree that these actions meet the intent of the recommendation. BIA's actions have not resulted in documentation on the alternatives considered, whether tribal input and requests were considered, and the rationale for not incorporating key suggestions.

In addition, in 2005, Congress provided an option for tribes to enter into a tribal energy resource agreement (TERA) with the Secretary of the Interior that allows the tribe, at its discretion, to enter into leases, business agreements, and rights-of-way agreements for energy resource development on tribal lands without review and approval by the Secretary. However, in a June 2015 report, we found that uncertainties about Interior's regulations for implementing this option have contributed to deter tribes from pursuing agreements.<sup>27</sup> We recommended that Interior provide clarifying guidance. On May 17, 2017, the Acting Assistant Secretary- Indian Affairs testified before this committee that Interior is working to provide additional energy development-specific guidance on provisions of TERA regulations that tribes have identified to the department as unclear. As part of this effort, the Acting Assistant Secretary reported that IEED continues to perform training and technical assistance on the TERA regulations, and plans to issue guidance on those provisions of TERA that have been identified as unclear. As of September 6, 2017, Interior has not issued additional guidance and several Interior officials told us it is unlikely any new guidance will clarify

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<sup>26</sup>Testimony of Mike Black, Acting Assistant Secretary- Indian Affairs, Department of the Interior, before the Committee on Indian Affairs, United States Senate, on "High Risk, No Reward: GAO's High Risk List for Indian Programs" on May 17, 2017.

<sup>27</sup>[GAO-15-502](#).

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“inherently federal functions”—one provision of Interior’s regulations tribes have identified as unclear. For a full description of the agency’s actions and our evaluation of these actions, see table 3 in appendix II.

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## BIA's Workforce Planning

We made 2 recommendations on workforce planning to BIA in November 2016,<sup>28</sup> neither of which has been fully implemented. In our November 2016 report we found BIA had high vacancy rates at some agency offices and that the agency had not conducted key workforce planning activities consistent with Office of Personnel Management standards and leading practices identified in our prior work.<sup>29</sup>

Of the 2 unimplemented recommendations to help ensure that it has a workforce with the right skills, appropriately aligned to meet the agency's goals and tribal priorities, BIA has reported several actions it plans to take. On May 17, 2017, the Acting Assistant Secretary- Indian Affairs testified before this committee that BIA is in the process of identifying and implementing a workforce plan regarding positions associated with the development of Indian energy and minerals.<sup>30</sup> Specifically, the Acting Assistant Secretary stated that the Service Center will collect data directly from BIA, Bureau of Land Management (BLM), the Office of Natural Resources Revenue (ONRR), and the Office of Special Trustee (OST) employees in an effort to identify workload and necessary technical competencies. Then, the Service Center will work with partner bureaus to assess skills and competencies needed for energy and mineral workforce standards. BIA's target for completion of the activities is the end of 2017. BIA stated it is taking steps to identify workload and technical competencies, but without additional information, it is unclear if these actions will identify potential gaps in its workforce or result in the establishment of a documented process for assessing BIA's workforce composition at agency offices. For a full description of the agency's actions and our evaluation of these actions, see table 3 in appendix II.

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<sup>28</sup>[GAO-17-43](#).

<sup>29</sup>[GAO-17-43](#).

<sup>30</sup>Testimony of Mike Black, Acting Assistant Secretary- Indian Affairs, Department of the Interior, before the Committee on Indian Affairs, United States Senate, on "High Risk, No Reward: GAO's High Risk List for Indian Programs" on May 17, 2017.

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## Status of GAO's Recommendations on Indian Health Care

As we have previously reported, the Indian Health Service (IHS), an agency within the Department of Health and Human Services (HHS), is charged with providing health care to approximately 2.2 million Indians. IHS oversees its health care facilities through a decentralized system of area offices, which are led by area directors and located in 12 geographic areas. In fiscal year 2016, IHS allocated about \$1.9 billion for health services provided by federally and tribally operated hospitals, health centers, and health stations. Federally operated facilities—including 26 hospitals, 56 health centers, and 32 health stations—provide mostly primary and emergency care, in addition to some ancillary or specialty services.

When services are not available at federally operated or tribally operated facilities, IHS may, in some cases, pay for services provided through external providers through its Purchased/Referred Care (PRC) program—previously referred to as the Contract Health Services program. The PRC program is funded through annual appropriations and must operate within the limits of available appropriated funds. To be eligible for PRC services, recipients must generally meet several criteria, including being a member or descendant of a federally recognized tribe or having close social and economic ties with the tribe, and living within a designated PRC area. Although funding available for the PRC program has recently increased, we have reported that the program is unable to pay for all eligible services, and that these gaps in services sometimes delay diagnoses and treatments, which can exacerbate the severity of a patient's condition and necessitate more intensive treatment.

As discussed below, we made 13 recommendations to IHS that were unimplemented when we issued our 2017 High Risk report, with which HHS generally agreed. One has been fully implemented.

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## Estimating PRC Program Needs

In our February 2017 High Risk report, we cited 2 recommendations from a 2011 report on the accuracy of data used for estimating PRC needs, with which HHS agreed.<sup>31</sup> These recommendations remain unimplemented as of late August 2017. We based these

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<sup>31</sup>GAO, *Indian Health Service: Increased Oversight Needed to Ensure Accuracy of Data for Estimating Contract Health Service Need*. [GAO-11-767](#) (Washington, D.C.: Sept. 23, 2011). This report also made 6 recommendations that we closed prior to our 2017 High Risk report because the agency had fully implemented them.

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recommendations on our finding that IHS's estimates of the extent to which unmet needs exist in the PRC program were not reliable because of deficiencies in the agency's oversight of the collection of data on deferred and denied PRC program services. As a result, we made several recommendations for IHS to develop more accurate data for making these estimates and improving agency oversight.

Of the 2 recommendations not yet fully implemented that we made to IHS on estimating PRC program needs, HHS officials reported that updated policy and procedural guidance will be issued to all IHS sites by September 30, 2017. We will evaluate the policy and procedural guidance when it is issued. For a full description of the agency's actions and our evaluation for these unimplemented recommendations, see table 4 in appendix III.

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## Ensuring Equitable Allocation of PRC Program Funds

We made 3 recommendations to IHS to help make its allocation of PRC program funds more equitable, none of which have been implemented.<sup>32</sup> We also raised a matter for Congress to consider requiring IHS to develop and use a new PRC funding allocation methodology. These recommendations and matter for Congress to consider were based on our findings of wide variations in PRC funding across the 12 IHS areas, that these variations were largely maintained by IHS's long-standing use of its base funding methodology, that variation in PRC funding was sometimes not related to the availability of IHS-funded hospitals, that IHS's estimate of PRC service users was imprecise, and that IHS allowed area offices to distribute program increase funds to local PRC programs using different criteria than the PRC allocation formula without informing IHS.<sup>33</sup> As a result, we suggested that Congress consider requiring IHS to

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<sup>32</sup>GAO, *Indian Health Service: Action Needed to Ensure Equitable Allocation of Resources for the Contract Health Services Program*. GAO-12-446 (Washington, D.C.: June 15, 2011).

<sup>33</sup>Most PRC funding, which IHS refers to as "base funding," is allocated based on past funding history. Each year, each of the 12 IHS area offices receives an allocation of base funding equal to the total amount of all PRC funds they received the previous fiscal year. According to IHS, base funding is intended to maintain existing levels of patient care services in all areas. IHS officials have told us they do not know the exact origins of the base funding policy, but that it dates back to the 1930s, when the health programs were under the Bureau of Indian Affairs. In years when sufficient funding is available, IHS allocates a program increase to each IHS area office using the allocation formula. The allocation formula is based on a combination of factors, including variations in the number of people using health care services, geographic differences in the costs of purchasing health care services, and access to IHS or tribally operated hospitals.

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develop and use a new method to allocate all PRC program funds to account for variations across areas, and recommended that IHS use actual counts of PRC users and variations in levels of available hospital services in allocation formulas, and develop written policies and procedures to require area offices to notify IHS when changes are made to the allocations of funds to PRC programs.

In response to our matter for Congress to consider, a bill that would have addressed this matter was introduced in the House and reported out of committee in 2016, but the bill did not become law. In response to our recommendations, HHS officials told us that a tribal/federal workgroup is currently discussing the PRC fund allocation issues. In July 2017, we requested additional information about the workgroup and any discussion that has occurred or decisions that have been made about PRC funding allocation since we made the recommendation 5 years ago, but as of late August 2017, we have not received any information. As the workgroup continues to discuss the PRC fund allocation issues, we will evaluate any decisions that are made to determine if they address this recommendation. For a full description of the agency's actions and our evaluation for these recommendations, see table 4 in appendix III.

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## Revising IHS Payment Rates for Nonhospital Services

We made 1 recommendation to IHS in a 2013 report on IHS payment rates for nonhospital services through the PRC program, which has not been fully implemented, as well as a matter for Congress to consider.<sup>34</sup> The recommendation and matter for Congress to consider were based on our finding that IHS primarily paid nonhospital providers, including physicians, at their billed charges, despite an IHS policy—in place since 1986—that stated that area offices should attempt to negotiate with providers at rates that are no higher than Medicare rates. As a result, we suggested that Congress consider imposing a cap on payments for physician and other nonhospital services made through IHS's PRC program that is consistent with the rates paid by other federal agencies. We also recommended that IHS monitor PRC program patient access to physician and other nonhospital care in order to assess how any new payment rates may benefit or impede the availability of care.

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<sup>34</sup>GAO, *Indian Health Service: Capping Payment Rates for Nonhospital Services Could Save Millions of Dollars for Contract Health Services*. [GAO-13-272](#) (Washington, D.C.: Apr. 11, 2013).

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In response to our recommendation, HHS officials told us that the agency has developed an online PRC rates provider tracking tool that enables PRC programs to document providers that refuse to contract for their most favored customer rate or accept the Medicare-like rate. We have requested documentation of this provider tracking tool, but as of late August 2017, we have not yet received information sufficient to consider the recommendation implemented. For a full description of the agency's actions and our evaluation for these recommendations, see table 4 in appendix III.

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### Ensuring Successful Outreach to Increase Enrollment in Expanded Coverage Options

In our February 2017 High Risk report, we cited 1 recommendation from a 2013 report on the eligibility and enrollment of American Indians in expanded health care programs, with which HHS neither agreed nor disagreed.<sup>35</sup> This recommendation remains unimplemented as of late August 2017. We reported that the expansion of Medicaid and new coverage options under the Patient Protection and Affordable Care Act (PPACA) may allow many American Indians to obtain additional health care benefits for which they were not previously eligible, resulting in IHS facilities receiving increased reimbursements from third-party payers and an increased workload for IHS facility staff responsible for processing these payments.<sup>36</sup> We also found that IHS did not have an effective plan in place to ensure that a sufficient number of facility staff were prepared to assist with enrollment and to process increased third-party payments. As a result, we recommended that IHS realign its resources and personnel to increase its capacity to assist with increased enrollment and third-party billing.

IHS has not reported taking any new action to implement the remaining recommendation. In response to our request for an update, IHS again provided a copy of a planning template it developed for facility Chief Executive Officers (CEO) that encourages them to assess the need for staffing changes in light of new and expanded coverage options available under PPACA. IHS previously explained, during the course of our review,

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<sup>35</sup>GAO, *Indian Health Service: Most American Indians and Alaska Natives Potentially Eligible for Expanded Health Coverage, but Action Needed to Increase Enrollment*. [GAO-13-553](#) (Washington, D.C.: Sep. 5, 2013). This report also made 1 recommendation that we closed prior to our 2017 High Risk report because the agency had fully implemented it.

<sup>36</sup>See Pub. L. No. 111-148, 124 Stat. 119 (2010), as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, 124 Stat. 1029 (2010).



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that its planning template is a guidance document that facility CEOs may, but are not required, to use. We agree that developing a template to aid facilities in their planning for PPACA implementation is a good step. However, considering the large, system-wide growth in eligibility for new and expanded coverage options described in our report, we expect to see a system-wide response. Under its current approach, preparing for increased eligibility is dependent on the discretion of facility CEOs. IHS has not provided any evidence that this approach has resulted in the realignment of personnel needed to address an increased need for application assistance and third party billing. For a full description of the agency's actions and our evaluation for these recommendations, see table 4 in appendix III.

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## Improving IHS's PRC Program

We made 2 recommendations in a 2013 report on opportunities for IHS to improve the PRC program, neither of which has been fully implemented.<sup>37</sup> Our recommendations were based on our finding that determining eligibility for PRC funding—including the need to ascertain each time a referral is received whether the patient met residency requirements and the service met medical priorities—is inherently complex. As a result, we recommended that IHS take steps to improve the PRC program, including separately tracking IHS referrals and self-referrals, and revising its practices to allow available funds to be used to pay for PRC program staff.

HHS agreed with our recommendation to separately track IHS referrals and self-referrals, but not to revise its practices to allow available funds to be used to pay for PRC program staff. HHS agreed to our recommendation to proactively develop potential options to streamline program eligibility requirements. IHS has not yet fully implemented these recommendations. HHS officials told us that IHS is developing 2 new measures that will track and measure PRC authorized referrals and self-referrals to time of payment for each type of referral. We will review the proposed changes when they are available. For a full description of the agency's actions and our evaluation for these recommendations, see table 4 in appendix III.

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<sup>37</sup>GAO, *Indian Health Service: Opportunities May Exist to Improve the Contract Health Services Program*. [GAO-14-57](#) (Washington, D.C.: Dec. 11, 2013).

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## Improving IHS Oversight of Patient Wait Times

We made 2 recommendations in a 2016 report on IHS oversight of patient wait times, one of which was implemented in August 2017.<sup>38</sup> These recommendations were based on our finding that IHS had not set any agency-wide standards for patient wait times at IHS federally operated facilities. We found that, while individual facilities had taken steps to help improve patient wait times, IHS had not monitored the timeliness of patient care on an agency-wide scale. As a result, we recommended that IHS 1) develop specific agency-wide standards for patient wait times, and 2) monitor patient wait times in its federally operated facilities and ensure corrective actions are taken when standards are not met.

In response to our first recommendation, HHS developed specific standards for patient wait times and published them to the IHS Indian Health Manual website in August 2017. As a result of this action, we consider this recommendation to be fully implemented. In response to our second recommendation, in early September 2017 HHS officials told us that data collection tools for monitoring are under development. We will review IHS's monitoring of facility performance, as well as any corrective actions, when these steps have been completed. For a full description of the agency's actions on the unimplemented recommendation and our evaluation, see table 4 in appendix III.

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## Improving IHS Oversight of Quality of Care

We made 2 recommendations in a 2017 report on IHS's oversight of quality of care in its federally operated facilities, neither of which has been fully implemented.<sup>39</sup> These recommendations were based on our finding that IHS's oversight of the quality of care provided in its federally operated facilities has been limited and inconsistent, due in part to a lack of agency-wide quality of care standards. We found that these inconsistencies were exacerbated by significant turnover in area leadership and that the agency had not defined contingency or succession plans for the replacement of key personnel, including area directors. As a result, we recommended that IHS develop agency-wide standards for quality of care, systematically monitor facility performance in meeting these standards, enhance its adverse event reporting system,

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<sup>38</sup>GAO, *Indian Health Service: Actions Needed to Improve Oversight of Patient Wait Times*. [GAO-16-333](#) (Washington, D.C.: Mar. 29, 2016).

<sup>39</sup>GAO, *Indian Health Service: Actions Needed to Improve Oversight of Quality of Care*. [GAO-17-181](#) (Washington, D.C.: Jan. 9, 2017).

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and develop contingency and succession plans for the replacement of key personnel.

HHS agreed with our recommendations, and IHS officials reported that the development of agency-wide measures, goals, and benchmarks are nearing completion. According to HHS, it is also developing a system-wide dashboard of performance accountability metrics for use at the enterprise, area, and facility levels. HHS officials told us that the enhancements to their adverse event reporting system are delayed because key personnel on the project became unavailable due to deployment. Finally, HHS officials told us that all IHS headquarters offices and area offices established a succession plan that identified staff and development needs to prepare for future leadership opportunities. We requested documentation of these succession plans, but as of late August 2017, we have not received any. For a full description of the agency's actions and our evaluation for these recommendations, see table 4 in appendix III.

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In conclusion, although Interior and HHS have taken some actions to address our recommendations related to federal programs serving Indian tribes, 49 recommendations discussed in this testimony have not yet been fully implemented. We plan to continue monitoring the agencies' efforts to address these unimplemented recommendations.

In order for the Federal Management of Programs that Serve Tribes and Their Members to be removed from our High-Risk List, Interior and HHS need to show improvement on the five key elements described earlier: leadership commitment, capacity, action plan, monitoring, and demonstrated progress. These five criteria form a road map for agencies' efforts to improve and ultimately address high-risk issues.

We look forward to continuing our work with this committee in overseeing Interior and IHS to ensure that they are operating programs for tribes in the most effective and efficient manner, consistent with the federal government's trust responsibilities, and working toward improving services for tribes and their members.

Chairman Hoeven, Vice Chairman Udall, and Members of the Committee, this completes my prepared statement. My colleagues and I would be pleased to respond to any questions that you may have.

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## GAO Contacts and Staff Acknowledgments

If you or your staff have any questions about education issues in this testimony or the related reports, please contact Melissa Emrey-Arras at (617) 788-0534 or [emreyarrasm@gao.gov](mailto:emreyarrasm@gao.gov). For questions about energy resource development, please contact Frank Rusco at (202) 512-3841 or [ruscof@gao.gov](mailto:ruscof@gao.gov). For questions about health care, please contact Kathleen King at (202) 512-7114 or [kingk@gao.gov](mailto:kingk@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. Key contributors to this statement include Elizabeth Sirois (Assistant Director), Edward Bodine (Analyst-in-Charge), James Bennett, Richard Burkard, Kelly DeMots, Christine Kehr, Liam O'Laughlin, William Reinsberg, James Rebbe, Jay Spaan, Ann Tynan, and Emily Wilson.

# Appendix I: Status of Unimplemented Recommendations to the Department of the Interior on Indian Education

**Table 2: The Status of Unimplemented Recommendations in Prior GAO Reports to the Department of the Interior (Interior) on Management and Oversight of Indian Education**

Category and recommendation	Report number	Status
<b>Management Challenges Facing Bureau of Indian Education (BIE)</b>		
<p>1. The Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to develop and implement decision-making procedures for the Bureau of Indian Education (BIE) that specify who should be involved in the decision-making process for key decisions that affect BIE and its schools to ensure that BIE has effective management controls, is accountable for the use of federal funds, and comports with federal laws and regulations. Such procedures should be clearly documented in management directives, administrative policies, or operating manuals.</p>	<p><a href="#">GAO-13-774</a></p>	<p>Interior agreed with this recommendation. In August 2017, BIE officials stated that they have developed decision-making procedures for BIE in consultation with staff from across the bureau. They indicated that the procedures will be implemented in the coming weeks, pending final approval from the Office of Regulatory Affairs and Collaborative Action and the Office of the Assistant Secretary-Indian Affairs. We reviewed Indian Affairs' draft procedures, which they plan to incorporate into Indian Affairs' policy manual. The procedures identify, by position, BIE leaders whose involvement in the decision-making process is necessary and define roles and responsibilities of such individuals, among other areas.</p> <p>We will consider whether Indian Affairs' actions fully address this recommendation once the agency provides us with its finalized procedures.</p>
<p>2. The Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to develop a strategic plan that includes detailed goals and strategies for BIE and for those offices that support BIE's mission, including the Bureau of Indian Affairs, to help Indian Affairs effectively implement its realignment. Development of the strategic plan should incorporate feedback from BIE officials and other key stakeholders.</p>	<p><a href="#">GAO-13-774</a></p>	<p>Interior agreed with this recommendation. In August 2017, Indian Affairs officials stated that the draft strategic plan for BIE developed by the agency several years ago did not address our recommendation. Officials also told us they began holding strategic planning sessions in March 2017, which they said would continue through late September 2017. Indian Affairs has drafted several key elements of its new strategic plan for BIE, which they provided to us. The draft includes information on its mission, vision, values and goals. According to agency officials, they are currently developing additional elements to include milestones, measures, and specific action plans. Officials also noted that BIE has reached out to external subject matter expert organizations, such as the Council of Chief State School Officers, in developing its strategic plan. Officials reported they expect to implement the new plan no later than the end of calendar year 2017.</p> <p>We will continue to monitor Indian Affairs' efforts to implement this recommendation.</p>

**Appendix I: Status of Unimplemented  
Recommendations to the Department of the  
Interior on Indian Education**

Category and recommendation	Report number	Status
<p>3. The Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to revise its strategic workforce plan to ensure that employees providing administrative support to BIE have the requisite knowledge and skills to help BIE achieve its mission and are placed in the appropriate offices to ensure that regions with a large number of BIE schools have sufficient support.</p>	<p><a href="#">GAO-13-774</a></p>	<p>Interior agreed with this recommendation. In August 2017, Indian Affairs officials reported that they had fully implemented this recommendation by completing a strategic workforce plan in 2016.</p> <p>However, as we communicated to Indian Affairs officials several times in 2016 and 2017, based on the documentation we received, we do not believe that the plan Indian Affairs provided to us addresses our recommendation. Specifically, we indicated that the revised strategic workforce plan the agency provided us in September 2016 lacked information about key workforce needs—such as staff vacancies and skills or knowledge gaps—of the Indian Affairs offices that provide administrative support to BIE and its schools. We will continue to monitor the agency’s efforts to implement this recommendation. We will continue to monitor Indian Affairs’ efforts to implement this recommendation.</p>
<p><b>BIE’s oversight of school spending</b></p>		
<p>1. The Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to develop a comprehensive workforce plan to ensure that BIE has an adequate number of staff with the requisite knowledge and skills to effectively oversee BIE school expenditures.</p>	<p><a href="#">GAO-15-121</a></p>	<p>Interior agreed with this recommendation. In May 2017, the BIE Director reported that an internal working group would draft a comprehensive workforce plan that is aligned with BIE’s strategic plan. They did not specify whether such a plan would include a focus on BIE administrative offices responsible for oversight of school expenditures. In late August 2017, BIE officials indicated that they would revisit the strategic workforce planning effort by Indian Affairs. They did not provide further information on what actions BIE will take to address this recommendation. However, the BIE Director noted in May of this year that the agency planned to complete its work on this recommendation no later than the end of 2018.</p> <p>We will continue to monitor Indian Affairs’ efforts to implement this recommendation.</p>

**Appendix I: Status of Unimplemented  
Recommendations to the Department of the  
Interior on Indian Education**

Category and recommendation	Report number	Status
<p>2. The Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to develop a process to share relevant information, such as single audit reports, with all BIE staff responsible for overseeing school expenditures to ensure they have the necessary information to identify schools at risk for misusing funds.</p>	<p><a href="#">GAO-15-121</a></p>	<p>Interior agreed with this recommendation. In late August 2017, agency officials reported that it had developed and implemented a SharePoint-based system for sharing single audit reports and to ensure that all key staff have access to this system. The agency is exploring other technological options for providing staff with access to single audit reports. The BIE Director noted in May of this year that the agency planned to complete its work on this recommendation no later than the end of 2018.</p>
<p>3. The Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to develop written procedures for BIE to oversee expenditures for major programs, including Interior's Indian School Equalization Program. These procedures should include requirements for staff to consistently document their monitoring activities and actions they have taken to resolve financial weaknesses identified at schools.</p>	<p><a href="#">GAO-15-121</a></p>	<p>While this is a step in the right direction, as we have communicated to BIE officials, the SharePoint system includes audit reports on fewer than half of all tribally-operated schools. Such reports are a vital source of information for monitoring how schools use federal funds. Without relevant BIE staff having access to audit reports for the majority of tribally-operated schools, it is unclear to us how such a system can support effective oversight of spending at these schools. We will continue to monitor Indian Affairs' efforts to implement this recommendation.</p> <p>Interior partially agreed with this recommendation. In response to our report, Interior stated that BIE already had written procedures in place related to the Indian School Equalization Program (ISEP). However, we found the procedures did not relate to overseeing schools' ISEP expenditures. In late August 2017, agency officials reported taking several steps to address this recommendation. In particular, officials reported that the agency had drafted written procedures for overseeing BIE school spending. However, these officials noted that further review and revision to the procedures are necessary before they can be finalized and implemented. Officials did not provide us with a draft of the procedures to review. The BIE Director noted in May of this year that the agency planned to complete its work on this recommendation by the middle of 2019.</p>
<p>4. The Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to develop a risk-based approach to oversee BIE school expenditures to focus BIE's monitoring activities on schools that auditors have found to be at the greatest risk of misusing federal funds.</p>	<p><a href="#">GAO-15-121</a></p>	<p>We will continue to monitor Indian Affairs' efforts to implement this recommendation.</p> <p>Interior agreed with this recommendation. In late August 2017, agency officials reported that they had begun drafting a risk assessment policy and procedures for monitoring BIE school expenditures. However, they noted that further review and revision to the policy is necessary before it can be finalized and implemented. Officials did not provide us with a draft of these documents to review. The BIE Director noted in May of this year that the agency planned to complete its work on this recommendation by the middle of 2019.</p>
		<p>We will continue to monitor Indian Affairs' efforts to implement this recommendation.</p>

**Appendix I: Status of Unimplemented  
Recommendations to the Department of the  
Interior on Indian Education**

Category and recommendation	Report number	Status
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**Safety and health at Indian school facilities**

<p>1. To support the collection of complete and accurate safety and health information on the condition of BIE school facilities nationally, the Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to ensure that all BIE schools are annually inspected for safety and health, as required by its policy, and that inspection information is complete and accurate.</p>	<p><a href="#">GAO-16-313</a></p>	<p>Interior agreed with this recommendation. In September 2016, Indian Affairs reported that it had completed annual safety inspections at all BIE school locations for the first time in at least 15 years. In late August 2017, officials reported that Indian Affairs was on course to complete all inspections in 2017 but did not provide documentation on its progress. Further, Indian Affairs stated that it understands the need to ensure that completing school inspections does not detract from inspection quality. However, as of August 2017 we had not received documentation that the agency had taken steps to ensure that its safety personnel collect inspection information that is complete and accurate.</p>
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We believe the steps Indian Affairs has taken to prioritize the completion of safety inspections at all BIE schools are important ones. However, we believe it is also important that the agency take specific steps to ensure that the inspection information it collects is complete and accurate. Without complete and accurate information, BIE schools may not have the information they need on potential safety hazards, which may endanger students and staff. We will continue to monitor Indian Affairs' efforts to implement this recommendation.



**Appendix I: Status of Unimplemented  
Recommendations to the Department of the  
Interior on Indian Education**

Category and recommendation	Report number	Status
<p>2. To support the collection of complete and accurate safety and health information on the condition of BIE school facilities nationally, the Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to revise its inspection guidance and tools to ensure that they are comprehensive and up-to-date; require that regional safety inspectors use them to ensure all vital areas are covered, such as school fire protection; and monitor safety inspectors' use of procedures and tools across regions to ensure they are consistently adopted.</p>	<p><a href="#">GAO-16-313</a></p>	<p>Interior agreed with this recommendation. In June 2016, Indian Affairs implemented new comprehensive guidelines for safety and health inspections and testing and maintaining fire prevention systems. The guidelines, which we reviewed, detail specific inspection procedures which all relevant safety personnel are required to follow. Indian Affairs provided training in May and June of 2017 to relevant staff on using the guidelines. According to the guidelines, Indian Affairs' safety office is required to monitor safety staff compliance with the new inspection procedures.</p> <p>We believe these are important steps to ensuring that regional inspectors have clear procedures in place for conducting BIE school inspections. However, Indian Affairs has not provided us with documentation, such as a plan, for how its safety office will monitor inspections to ensure inspection procedures are consistently followed across regions. For example, such monitoring could help ensure that all inspectors conduct a close out meeting with relevant school staff at the conclusion of an on-site safety inspection. We believe such monitoring is important to ensure that the practices of its safety inspectors consistently align with its procedures and result in inspection information that is complete and accurate. We will continue to monitor Indian Affairs' efforts to implement this recommendation.</p>
<p>3. To ensure that all BIE schools are positioned to address safety and health problems with their facilities and provide student environments that are free from hazards, the Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to develop a plan to build schools' capacity to promptly address safety and health problems with facilities. Such a plan could prioritize assistance to schools to improve the expertise of facility staff to maintain and repair school buildings.</p>	<p><a href="#">GAO-16-313</a></p>	<p>Interior agreed with this recommendation. As of late August 2017, Indian Affairs had not provided us any documentation that it had taken steps to implement our recommendation.</p> <p>We will continue to monitor Indian Affairs' efforts to implement this recommendation.</p>
<p>4. To ensure that all BIE schools are positioned to address safety and health problems with their facilities and provide student environments that are free from hazards, the Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to consistently monitor whether schools have established required safety committees.</p>	<p><a href="#">GAO-16-313</a></p>	<p>Interior agreed with this recommendation. In July 2017, Indian Affairs officials told us that they are developing a system that would enable them to monitor whether schools have established required safety committees. They also noted that Indian Affairs' new inspection procedures require that inspectors check to see if schools have established safety committees. Finally, the BIE Director told us that he would send a memorandum to all BIE schools reminding them about Indian Affairs' requirement to establish safety committees.</p> <p>We will review and evaluate Indian Affairs' actions when the agency has provided us with supporting documentation.</p>

**Appendix I: Status of Unimplemented  
Recommendations to the Department of the  
Interior on Indian Education**

Category and recommendation	Report number	Status
1. The Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to develop and take corrective actions, in consultation with Interior's Designated Agency Safety and Health Official, to address BIA safety program weaknesses identified in prior Interior evaluations.	GAO-17-421	Interior agreed with this recommendation. In early August 2017, Indian Affairs reported that BIA is currently developing a corrective action plan to address specific findings and recommendations from a 2016 Interior review of BIA's safety program. Indian Affairs reported that its safety office will track BIA's progress on a monthly basis and provide a report to the Assistant Secretary-Indian Affairs and Interior's Designated Agency Safety and Health Official. Indian Affairs reported a target date of July 31, 2018 for implementing this recommendation. As of late August 2017, the agency had not provided documentation that it had drafted a corrective action plan.  We will continue to monitor Indian Affairs' efforts to implement this recommendation.
2. The Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to assign responsibility to a specific office or official to develop and implement a plan to assess employees' safety training needs and monitor employees' compliance with Indian Affairs' safety training requirements.	GAO-17-421	Interior agreed with this recommendation. In early August 2017, Indian Affairs reported that BIA regional leadership, in collaboration with Indian Affairs' safety office, will develop and publish a safety training plan for all Indian Affairs employees with responsibilities for safety inspections. Additionally, Indian Affairs reported that BIA and BIE will develop and implement a policy to ensure that first-line supervisors monitor and report on whether employees have completed the training requirements. Indian Affairs reported a target date of January 31, 2020, for implementing this recommendation.  We will continue to monitor Indian Affairs' efforts to implement this recommendation.
3. The Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to ensure that BIA's employee performance standards on inspections are consistently incorporated into the appraisal plans of all BIA personnel with safety program responsibilities.	GAO-17-421	Interior agreed with this recommendation. In early August 2017, Indian Affairs reported that BIE and BIA, in coordination with Indian Affairs' safety office, will incorporate consistent safety inspection performance standards into the appraisal plans of all personnel with safety program responsibilities. Indian Affairs reported a target date of June 30, 2018 for implementing this recommendation.  We will continue to monitor Indian Affairs' efforts to implement this recommendation.

**Appendix I: Status of Unimplemented  
Recommendations to the Department of the  
Interior on Indian Education**

Category and recommendation	Report number	Status
<p>4. The Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to develop a performance standard on inspection report quality and establish a process to routinely monitor the quality of inspection reports. Monitoring could include, but not be limited to, the following areas: accuracy of risk levels and abatement timeframes assigned to deficiencies and clarity of language to describe safety hazards and recommended corrections.</p>	<p><a href="#">GAO-17-421</a></p>	<p>Interior agreed with this recommendation. In early August 2017, Indian Affairs reported that BIA will amend its 2017 performance standards for safety inspectors to comply with the standards in Indian Affairs' recently updated safety inspection and fire system guidelines. Additionally, Indian Affairs reported that its safety office, BIA, and BIE will develop a comprehensive performance standard for inspection reports and a formal and uniform process for monitoring the quality of safety inspection reports. Indian Affairs reported a target date of June 30, 2020 for implementing this recommendation. As of late August 2017, the agency had not provided documentation regarding updates to its safety performance standards.</p> <p>We will continue to monitor Indian Affairs' efforts to implement this recommendation.</p>
<p>5. The Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to require safety inspectors to document when inspection reports are sent to schools and establish a process to routinely monitor the timeliness of reports against Indian Affairs' required 30-day timeframe.</p>	<p><a href="#">GAO-17-421</a></p>	<p>Interior agreed with this recommendation. In early August 2017, Indian Affairs reported that it had implemented updated safety guidelines in May 2017, which require safety inspectors to complete and submit a safety inspection certification and a transmittal memorandum to schools. Indian Affairs reported that all safety inspectors had received training on the guidelines and that its safety office had established a procedure for monitoring the timeliness of inspection reports sent to schools. As of late August 2017, the agency had not provided documentation regarding these actions.</p> <p>We will continue to monitor Indian Affairs' efforts to implement this recommendation.</p>
<p>6. The Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to use information gathered from monitoring the timeliness of school safety inspection reports to assess the performance of employees with safety program responsibilities and hold them accountable.</p>	<p><a href="#">GAO-17-421</a></p>	<p>Interior agreed with this recommendation. In early August 2017, Indian Affairs reported that BIE, BIA, and the Indian Affairs safety office will take steps to ensure that all safety personnel performance plans include its standard on inspection report timeliness. First-line supervisors will use data collected by the safety office to hold employees accountable. Indian Affairs reported a target date of September 1, 2019 for implementing this recommendation.</p> <p>We will continue to monitor Indian Affairs' efforts to implement this recommendation.</p>

**Oversight of BIE school construction projects**

**Appendix I: Status of Unimplemented  
Recommendations to the Department of the  
Interior on Indian Education**

Category and recommendation	Report number	Status
<p>1. To ensure accountability for BIE school facility funds, the Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to develop a comprehensive long-term capital asset plan to inform its allocation of school facility funds. Such a plan should include a prioritized list of school repair and maintenance projects with the greatest need for funding.</p>	<p><a href="#">GAO-17-447</a></p>	<p>Interior agreed with this recommendation. In early August 2017, Indian Affairs reported that its Office of Facilities, Property, and Safety Management is undergoing a reorganization to establish a work group focused on asset management and will continue to work with the Office of Management and Budget to develop a capital asset management plan. Indian Affairs has reported a target date of June 30, 2018 for implementing this recommendation. As of late August 2017, the agency had not provided documentation on the actions it is taking to develop a capital asset plan.</p> <p>We will continue to monitor Indian Affairs' efforts to implement this recommendation.</p>
<p>2. To ensure accountability for BIE school facility funds, the Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to provide more details in Indian Affairs' annual congressional budget justifications on specific needs at BIE schools, including information on proposed capital expenditures, and updates on previous school construction projects.</p>	<p><a href="#">GAO-17-447</a></p>	<p>Interior agreed with this recommendation. In early August 2017, Indian Affairs reported that its Office of Facilities, Property, and Safety Management will work with Indian Affairs' budget office and BIE to incorporate more details in its fiscal year 2019 budget justification on the specific needs at BIE schools and proposed and updated capital expenditures. Indian Affairs reported a target date of September 30, 2018, for implementing this recommendation.</p> <p>We will continue to monitor Indian Affairs' efforts to implement this recommendation.</p>
<p>3. To ensure accountability for BIE school facility funds, the Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to develop and implement guidance for its project managers and contracting officers regarding effective use of accountability measures.</p>	<p><a href="#">GAO-17-447</a></p>	<p>Interior agreed with this recommendation. In early August 2017, Indian Affairs reported that it had taken a range of actions, including establishing new oversight mechanisms, hiring staff with expertise in construction contracting, and administering training for contracting staff, among other actions to enhance the use of accountability measures in contracting. Indian Affairs reported a target date of February 28, 2018 for implementing this recommendation. As of late August 2017, the agency had not provided documentation regarding the actions described above. Further, Indian Affairs did not report taking any actions to develop guidance for its project managers and contracting officers on the effective use of accountability measures, which our recommendation specifies.</p> <p>We will continue to monitor Indian Affairs' efforts to implement this recommendation.</p>

**Appendix I: Status of Unimplemented  
Recommendations to the Department of the  
Interior on Indian Education**

Category and recommendation	Report number	Status
<p>4. To ensure accountability for BIE school facility funds, the Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to clarify Indian Affairs' design handbook requirements to explain when and how school designs can deviate from specific requirements—such as heating and cooling systems with complex features—when the life cycle cost analysis demonstrates the requirements are not cost-effective or practical given such factors as the technical capacity of school facility staff.</p>	<p><a href="#">GAO-17-447</a></p>	<p>Interior did not agree with this recommendation because it said its draft design handbook—once finalized—would address the process for requesting design deviations but was not intended to include every situation where deviations could be requested. We reviewed a version of the agency's draft handbook in May 2017 and found it did not adequately address our recommendation because it did not explain how Indian Affairs would allow for deviations, including how deviations could be based on life cycle cost analysis.</p> <p>In early August 2017, Indian Affairs reported that its revised handbook will clearly explain the process for requesting deviations from specific requirements for designing schools. We will review its updated guidance when the agency provides us a finalized version.</p>
<p>5. To ensure accountability for BIE school facility funds, the Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to improve oversight and technical assistance to tribal organizations to enhance tribal capacity to manage major construction projects.</p>	<p><a href="#">GAO-17-447</a></p>	<p>Interior agreed with this recommendation. In early August 2017, Indian Affairs reported that its Division of Facilities Management and Construction will develop a project tracking and monitoring process for all projects above a certain monetary threshold. Additionally, Indian Affairs reported that this office will work with BIA and BIE officials to identify common challenges that tribes face in managing projects and provide appropriate technical assistance. Indian Affairs reported a target date of June 30, 2018 for implementing this recommendation.</p> <p>We will continue to monitor Indian Affairs' efforts to implement this recommendation.</p>
<p>6. To ensure accountability for BIE school facility funds, the Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to develop and implement guidance for maintaining complete contract and grant files for all BIE school construction projects.</p>	<p><a href="#">GAO-17-447</a></p>	<p>Interior agreed with this recommendation. In early August 2017, Indian Affairs reported that it will take several actions to address the recommendation, including developing guidance for maintaining complete grant files on tribally-managed school construction projects. Additionally, it reported that a new Interior policy requires that all new contract files from January 1, 2017, forward be maintained electronically, which will enhance Indian Affairs' ability to maintain contract files. Indian Affairs reported a target date of March 31, 2019 for implementing this recommendation.</p> <p>We will continue to monitor Indian Affairs' efforts to implement this recommendation.</p>

Source: GAO | GAO 17-790T

# Appendix II: Status of Unimplemented Recommendations to the Department of the Interior on Indian Energy

**Table 3: The Status of Unimplemented Recommendations in Prior GAO Reports to the Department of the Interior’s (Interior) Bureau of Indian Affairs (BIA) on Management and Oversight of Indian Energy Resources**

Category and recommendation	Report number	Status
<b>BIA’s data and technology</b>		
1. BIA should take steps to complete its geographic information system (GIS) mapping module in TAAMS.	<a href="#">GAO-15-502</a>	<p>According to BIA officials, the agency integrated and deployed data viewing and map creation capabilities into its database for recording and maintaining historical and current data on ownership and leasing of Indian land and mineral resources—the Trust Asset and Accounting Management System (TAAMS)—on August 31, 2017.</p> <p>We will continue to monitor BIA’s deployment of the GIS capability and will work with the agency to determine if BIA’s actions address our recommendation.</p>
2. BIA should work with BLM to identify cadastral survey needs.	<a href="#">GAO-15-502</a>	<p>According to a BIA official, the agency requested each of its 12 regions to review and identify historic survey requests from a data system that has not been fully maintained or consistently used since 2011 to determine if the requests are still valid. A BIA official stated that the agency’s next step is to create a new database that will track cadastral survey needs and a reporting mechanism for each BIA region to use when making new survey requests. According to BIA officials, the agency anticipates the new database and reporting mechanism will be deployed by September 30, 2017.</p> <p>We will continue to monitor BIA’s progress and will work with the agency to determine if its actions fully implement our recommendation.</p>
<b>BIA’s oversight of its review process for energy related documents</b>		
1. BIA should develop a documented process to track its review and response times.	<a href="#">GAO-15-502</a>	<p>On May 17, 2017, the Acting Assistant Secretary- Indian Affairs testified before the Senate Committee on Indian Affairs that a group of BIA subject matter experts have been working to modify TAAMS, incorporating the key identifiers and data fields needed to track and monitor review and response times for oil and gas leases and agreements. The Acting Assistant Secretary also stated that BIA is in the process of evaluating and reviewing the current realty tracking system and TAAMS in order to improve efficiencies and timeliness in processing workloads.</p> <p>BIA is taking actions to track and monitor review and response times for oil and gas leases and agreements; however, BIA did not indicate whether it intends to track and monitor its review of other energy-related documents, such as rights-of-way (ROW) agreements that must be approved before tribes can develop resources.</p>

**Appendix II: Status of Unimplemented  
Recommendations to the Department of the  
Interior on Indian Energy**

<b>Category and recommendation</b>	<b>Report number</b>	<b>Status</b>
2. BIA should enhance data collection efforts to ensure it has data needed to track its review and response times.	<a href="#">GAO-15-502</a>	On May 17, 2017, the Acting Assistant Secretary- Indian Affairs testified before the Senate Committee on Indian Affairs that BIA is in the process of evaluating the data collection efforts used by various systems. In addition, the Acting Assistant Secretary stated that efforts are underway with subject matter experts to analyze and develop recommendations for improving data collection, tracking and business processes.
3. BIA should establish required time frames for the review and approval of Indian communitization agreements (CA) to ensure a more timely CA process.	<a href="#">GAO-16-553</a>	On May 17, 2017, the Acting Assistant Secretary- Indian Affairs testified before the Senate Committee on Indian Affairs that a National Policy Memorandum has been developed that establishes time frames for review and approval of Indian CAs. The Acting Assistant Secretary also stated that such time frames will also be incorporated into the BIA Fluid Mineral Estate Procedural Handbook and the Onshore Energy and Mineral Lease Management Interagency Standard Operating Procedures. BIA's target date for completing these actions is September 30, 2018. However, in our review of the National Policy Memorandum we did not find that it establishes time frames for review and approval of Indian CAs. In response to our request for clarification, a BIA official told us the agency is drafting suggested time frames for the Indian CA review process.
4. BIA should develop a systematic mechanism for tracking Indian CAs through the review and approval process to determine, among other things, whether the revised CA process meets newly established time frames.	<a href="#">GAO-16-553</a>	On May 17, 2017, the Acting Assistant Secretary- Indian Affairs testified before the Senate Committee on Indian Affairs that BIA is developing a systematic mechanism to track Indian CAs through the review and approval process and in the meantime would use a centralized tracking spreadsheet. According to a BIA official, the agency has identified enhancements to make within TAAMS that will allow the agency to track Indian CAs through the review process and the proposed enhancements will be discussed at the TAAMS Change Management Board meeting in November 2017. BIA's target date for completing the systematic mechanism to track Indian CAs is September 30, 2018.
5. BIA should assess whether the revised CA process is achieving its objective to improve the timeliness of the review and approval of Indian CAs, and if not, make changes as appropriate.	<a href="#">GAO-16-553</a>	On May 17, 2017, the Acting Assistant Secretary- Indian Affairs testified before the Senate Committee on Indian Affairs that upon completion of the systematic mechanism for tracking Indian CAs that is described above and targeted for completion by September 30, 2018, BIA and the Bureau of Land management (BLM) will monitor and assess the results of the efforts to streamline the Indian CA review and approval process.
<b>BIA's collaboration and communication</b>		
1. BIA should include the other regulatory agencies in the Service Center, such as FWS, EPA, and the Corps, so that the Indian Energy Service Center (Service Center) can act as a single point of contact or a lead agency to coordinate and navigate the regulatory process.	<a href="#">GAO-17-43</a>	According to a BIA official, the agency has initiated discussions with Interior's Fish and Wildlife Service (FWS), the Environmental Protection Agency (EPA), and the Army Corps of Engineers (Corps) in an effort to establish formal agreements. BIA has a target of December 31, 2017, to establish these agreements.

**Appendix II: Status of Unimplemented  
Recommendations to the Department of the  
Interior on Indian Energy**

Category and recommendation	Report number	Status
2. BIA should establish formal agreements with Interior's Office of Indian Energy and Economic Development (IEED) and the Department of Energy (DOE) that identify, at a minimum, the advisory or support role of each office involved with the Service Center.	GAO-17-43	According to a BIA official, the agency developed and is currently reviewing an addendum to expand an existing MOU between DOE and IEED to include the Service Center. However, the existing MOU between DOE and IEED does not identify the role for these agencies as related to the Service Center. As such, the addendum, as currently described by BIA officials, will not fully implement our recommendation.
3. BIA should establish a documented process for seeking and obtaining input from key stakeholders, such as BIA employees, on the Service Center activities.	GAO-17-43	<p>On May 17, 2017, the Acting Assistant Secretary- Indian Affairs testified before the Senate Committee on Indian Affairs that the Service Center is developing a process that allows key agencies to provide input and requests for service. The Acting Assistant Secretary also reported that the process will also include guidance on the prioritization of task orders and that Service Center officials are currently drafting intake forms, which will be distributed to obtain input regularly from stakeholders.</p> <p>BIA provided us a draft intake form. As currently drafted, this form is designed for BIA offices to request assistance with specific tasks. It does not appear to be designed as a mechanism to obtain input regularly from stakeholders.</p>
4. BIA should document the rationale for key decisions related to the establishment of the Service Center, such as alternatives and tribal requests that were considered.	GAO-17-43	<p>BIA reported it has taken actions needed to implement our recommendation. On May 17, 2017, the Acting Assistant Secretary- Indian Affairs testified before the Senate Committee on Indian Affairs that Interior considers this recommendation implemented because (1) the development of the Service Center was the result of a concept paper produced by a multi-agency team and (2) a multi-agency team held a tribal listening session, received written comments, and conducted conference calls in an effort to gather input from relevant stakeholders.</p> <p>We do not agree these actions meet the intent of the recommendation. BIA's actions have not resulted in documentation on the alternatives considered, whether tribal input and requests were considered, and the rationale for not incorporating key suggestions.</p>



**Appendix II: Status of Unimplemented  
Recommendations to the Department of the  
Interior on Indian Energy**

Category and recommendation	Report number	Status
<p>5. Interior, through either BIA or IEED, should provide additional energy development-specific guidance on provisions of Tribal Energy Resource Agreement (TERA) regulations that tribes have identified to Interior as unclear.</p>	<p><a href="#">GAO-15-502</a></p>	<p>On May 17, 2017, the Acting Assistant Secretary- Indian Affairs testified before the Senate Committee on Indian Affairs that Interior is working to provide additional energy development-specific guidance on provisions of TERA regulations that tribes have identified to the Department as unclear. As part of this effort, the Acting Assistant Secretary reported that IEED continues to perform training and technical assistance on the TERA regulations, and will issue guidance on those provisions of TERA that have been identified as unclear.</p> <p>As of September 6, 2017, Interior has not issued additional guidance and several Interior officials told us it is unlikely it will issue guidance to clarify “inherently federal functions”—one provision of Interior’s regulations tribes have identified as unclear.</p>
<b>BIA’s workforce planning</b>		
<p>1. BIA should incorporate effective workforce planning standards by assessing critical skills and competencies needed to fulfill BIA’s responsibilities related to energy development and by identifying potential gaps.</p>	<p><a href="#">GAO-17-43</a></p>	<p>On May 17, 2017, the Acting Assistant Secretary- Indian Affairs testified before the Senate Committee on Indian Affairs that the BIA is in the process of identifying and implementing a workforce plan regarding positions associated with the development of Indian energy and minerals. Specifically, the Acting Assistant Secretary stated that the Service Center will collect data directly from BIA, the Bureau of Land Management (BLM), the Office of Natural Resources Revenue (ONRR), and the Office of Special Trustee (OST) employees in an effort to identify workload and necessary technical competencies. Then, the Service Center will work with partner bureaus to assess skills and competencies needed for energy and mineral workforce standards. BIA’s target for completion of the activities is the end of 2017.</p> <p>BIA identified steps it plans to take to identify workload and technical competencies, but without additional information it is unclear if these actions will identify potential gaps in workforce or result in the establishment of a documented process for assessing BIA’s workforce composition at agency offices.</p>
<p>2. BIA should establish a documented process for assessing BIA’s workforce composition at agency offices taking into account BIA’s mission, goals, and tribal priorities.</p>	<p><a href="#">GAO-17-43</a></p>	<p>BIA identified the same actions to implement this recommendation as the prior recommendation.</p>

Source: GAO | GAO 17-790T

# Appendix III: Status of Unimplemented Recommendations to the DHHS on the Indian Health Service

**Table 4: Status of Unimplemented Recommendations in Prior GAO Reports to the Department of Health and Human Services (HHS) on Management and Oversight of the Indian Health Service (IHS)**

Category and recommendation	Report number	Status
Estimating Purchased/Referred Care (PRC) program needs		
<p>1. To develop more accurate data for estimating the funds needed for the PRC program and improving IHS oversight, the Secretary of Health and Human Services should direct the Director of IHS to develop a written policy documenting how IHS evaluates need for the PRC program and disseminate it to area offices and PRC programs to ensure they understand how unfunded services data are used to estimate overall program needs.</p>	<p><a href="#">GAO-11-767</a></p>	<p>HHS agreed with our recommendation. According to HHS officials, specific policy and procedural guidance is under development for this recommendation, and updated guidance will be issued to all IHS sites by September 30, 2017.</p> <p>We will evaluate the policy and procedural guidance when it is issued.</p>
<p>2. To develop more accurate data for estimating the funds needed for the PRC program and improving IHS oversight, the Secretary of Health and Human Services should direct the Director of IHS to provide written guidance to PRC programs on a process to use when funds are depleted and there is a continued need for services, and monitor to ensure that appropriate actions are taken.</p>	<p><a href="#">GAO-11-767</a></p>	<p>HHS agreed with our recommendation. According to HHS officials, specific policy and procedural guidance is under development for this recommendation, and updated guidance will be issued to all IHS sites by September 30, 2017.</p> <p>We will evaluate the policy and procedural guidance when it is issued.</p>
Ensuring equitable allocation of PRC program funds		
<p>1. To make IHS's allocation of PRC program funds more equitable, the Secretary of Health and Human Services should direct the Director of the Indian Health Service to require IHS to use actual counts of PRC users, rather than all IHS users, in any formula for allocating PRC funds that relies on the number of active users.</p>	<p><a href="#">GAO-12-446</a></p>	<p>HHS disagreed with our recommendation. In its written comments on our report, HHS stated that HHS's combined count of all users of IHS direct care services and PRC users is intended to reflect the health care needs of those eligible for PRC services. HHS officials told us that IHS partners with tribal leaders in making PRC fund allocation decisions for federally operated facilities, and that a tribal/federal workgroup is currently discussing the PRC fund allocation issues. In addition, HHS officials told us that the agency engages broad tribal representation by keeping this issue on a national agenda for overall accountability of both the agency and the tribal/federal workgroup.</p> <p>As the tribal/federal workgroup continues to discuss the PRC fund allocation issues, we will evaluate any decisions that are made to determine if they address this recommendation. Because PRC program increases are intended to reflect variations in the numbers of PRC users among areas, we continue to believe that IHS should use counts of actual PRC users in determining program increases.</p>

**Appendix III: Status of Unimplemented  
Recommendations to the DHHS on the Indian  
Health Service**

Category and recommendation	Report number	Status
<p>2. To make IHS's allocation of PRC program funds more equitable, the Secretary of Health and Human Services should direct the Director of the Indian Health Service to require IHS to use variations in levels of available hospital services, rather than just the existence of a qualifying hospital, in any formula for allocating PRC funds that contains a hospital access component.</p>	<p><a href="#">GAO-12-446</a></p>	<p>HHS agreed with our recommendation in 2012 but has not yet taken action to implement it. According to HHS, the agency partners with tribal leaders in making PRC fund allocation decisions for directly operated programs. Officials told us that a tribal/federal workgroup is currently discussing the PRC fund allocation issues. In addition, HHS officials told us that the agency engages broad tribal representation by keeping this issue on a national agenda for overall accountability of both the agency and the tribal/federal workgroup.</p> <p>In July 2017, we requested additional information about the tribal/federal workgroup and any discussion that has occurred or decisions that have been made about PRC funding allocation since we made the recommendation in 2012, but we have not received any information. As the tribal/federal workgroup continues to discuss the PRC fund allocation issues, we will evaluate any decisions that are made to determine if they address this recommendation.</p>
<p>3. To make IHS's allocation of PRC program funds more equitable, the Secretary of Health and Human Services should direct the Director of the Indian Health Service to develop written policies and procedures to require area offices to notify IHS when changes are made to the allocations of funds to PRC programs.</p>	<p><a href="#">GAO-12-446</a></p>	<p>HHS agreed with our recommendation in 2012 but has not yet taken action to implement it. According to HHS, the agency partners with tribal leaders in making PRC fund allocation decisions for directly operated programs. Officials told us that a tribal/federal workgroup is currently discussing the PRC fund allocation issues. In addition, HHS officials told us that the agency engages broad tribal representation by keeping this issue on a national agenda for overall accountability of both the agency and the tribal/federal workgroup.</p> <p>As the tribal/federal workgroup continues to discuss the PRC fund allocation issues, we will evaluate any decisions that are made to determine if they address this recommendation.</p>

**Appendix III: Status of Unimplemented  
Recommendations to the DHHS on the Indian  
Health Service**

Category and recommendation	Report number	Status
Revising IHS payment rates for nonhospital services		
1. Should the Congress decide to cap payments for physician and other nonhospital services made through IHS's PRC program, the Secretary of Health and Human Services should direct the Director of IHS to monitor PRC program patient access to physician and other nonhospital care in order to assess how any new payment rates may benefit or impede the availability of care.	<a href="#">GAO-13-272</a>	<p>HHS agreed with our recommendation. In response, officials told us that IHS has developed an online PRC Rates Provider Tracking tool, and that the use of this tool enables PRC programs to document providers that refuse to contract for their most favored customer rate or accept the Medicare-like rate. In addition, IHS provided training to the area PRC officers.</p> <p>We have requested documentation of this provider tracking tool, but have not yet received information sufficient to close the recommendation. We need documentation showing how the tool is used to track patient access to physician and other nonhospital care, and how it allows IHS to assess how PRC payment rates may impede the availability of care. This documentation could include, for example, an agency-wide memorandum or procedural guidance document describing the tool, or a copy of the tool. In addition, we would like to review the training materials provided to area PRC officers.</p>

**Appendix III: Status of Unimplemented  
Recommendations to the DHHS on the Indian  
Health Service**

Category and recommendation	Report number	Status
Ensuring successful outreach to increase enrollment in expanded coverage options		
<p>1. To help ensure successful outreach efforts resulting in significant new enrollment, the Secretary of Health and Human Services should direct the Director of IHS to prepare for the increase in eligibility for expanded Medicaid and new coverage options, and the need for enrollment assistance and billing capacity, by realigning current resources and personnel to increase capacity to assist with these efforts.</p>	<p><a href="#">GAO-13-553</a></p>	<p>HHS neither agreed nor disagreed with this recommendation, but HS has not reported taking any new action to implement it. In response to our request for an update, IHS again provided a copy of a planning template it developed for facility Chief Executive Officers (CEO) that encourages them to assess the need for staffing changes in light of new and expanded coverage options available under the Patient Protection and Affordable Care Act (PPACA). IHS previously explained, during the course of our review, that its planning template is a document that facility CEOs have been directed to use.</p> <p>We agree that developing a template to aid facilities in their planning for PPACA implementation is a good step. However, considering the large, system-wide growth in eligibility for new and expanded coverage options described in our report, we expect to see a system-wide response. Under its current approach, preparing for increased eligibility is dependent on the discretion of facility CEOs. IHS has not provided any evidence that this approach has resulted in the realignment of personnel needed to address an increased need for application assistance and third party billing.</p>

**Appendix III: Status of Unimplemented  
Recommendations to the DHHS on the Indian  
Health Service**

Category and recommendation	Report number	Status
<b>Improving IHS's PRC program</b>		
<p>1. In an effort to ensure that IHS has meaningful information on the timeliness with which it issues purchase orders authorizing payment under the PRC program and to improve the timeliness of payments to providers, the Secretary of the Department of Health and Human Services should direct the Director of IHS to: (1) modify IHS's claims data system to separately track IHS referrals and self-referrals, revise the Government Performance Results Act measure for the PRC program so that it distinguishes between these two types of referrals, and establish separate timeframe targets for these referral types; and (2) improve the alignment between PRC staffing levels and workloads by revising its current practices, where appropriate, to allow available funds to be used to pay for PRC program staff.</p>	GAO-14-57	<p>HHS agreed with our recommendation to modify IHS's claims data system to separately track IHS referrals and self-referrals, revise the Government Performance Results Act measure for the PRC program so that it distinguishes between these two types of referrals, and establish separate timeframe targets for these referral types. HHS did not agree with revising its current practices, where appropriate, to allow available funds to be used to pay for PRC program staff. HHS officials told us that agency officials are developing two new Government Performance and Results Act (GPRA) measures that will track and measure PRC authorized referrals and self-referrals to time of payment for each type of referral. IHS plans to alpha- and beta-test the software changes and provide a patch release to accomplish baseline reporting for 2017.</p>
<p>We will review the proposed software changes and baseline reports when they are available.</p>		
<p>2. As HHS and IHS monitor the effect that new coverage options available to IHS beneficiaries through PPACA have on PRC program funds, the Secretary of HHS should direct the Director of IHS to proactively develop potential options to streamline program eligibility requirements.</p>	GAO-14-57	<p>HHS agreed with our recommendation. HHS officials told us that, in response to this recommendation, the agency worked to ensure that hospital presumptive eligibility is available as a way for individuals to access coverage. In addition HHS officials told us that they worked to disseminate information to patients to inform them that IHS beneficiaries enrolled in state Medicaid programs do not have to go through the PRC authorization process for Medicaid approved services.</p>
<p>We agree that hospital presumptive eligibility is a step in the right direction, but we expect to see further steps taken to streamline eligibility requirements. For example, establishing a set of defined benefits for IHS beneficiaries, which would alleviate the need for PRC programs and providers to carry out time-consuming medical priority determinations. Other possible steps include issuing eligibility cards to PRC-eligible patients to help providers understand when to send claims to IHS, and to which local PRC program a claim should be sent.</p>		

**Appendix III: Status of Unimplemented  
Recommendations to the DHHS on the Indian  
Health Service**

Category and recommendation	Report number	Status
<b>Improving IHS oversight of patient wait times</b>		
1. To help ensure that timely primary care is available and accessible to AI/AN people, the Secretary of HHS should direct the Director of IHS to monitor patient wait times in its federally operated facilities and ensure corrective actions are taken when standards are not met.	<a href="#">GAO-16-333</a>	HHS agreed with our recommendation. In early September 2017, HHS officials told us that data collection tools for monitoring patient wait times are being developed and that, once completed, they will take steps to ensure corrective actions are taken when standards are not met.
We will review IHS's monitoring of patient wait times, as well as corrective actions taken, after these procedures have been established and implemented.		
<b>Improving IHS oversight of quality of care</b>		
1. To help ensure that quality care is provided to AI/AN people, the Secretary of HHS should direct the Director of IHS to, as part of the implementation of its quality framework, ensure that agency-wide standards for the quality of care provided in its federally operated facilities are developed, that facility performance in meeting these standards is systematically monitored over time, and that enhancements are made to its adverse event reporting system.	<a href="#">GAO-17-181</a>	HHS agreed with this recommendation and reported that agency-wide measures, goals and benchmarks are nearing development completion, and that they build on best practices and external benchmarks from comparable organizations. According to HHS, also nearing completion is the development of a system-wide dashboard of performance accountability metrics, for use at the enterprise, area, and facility levels. HHS officials told us that the enhancements to or replacement of their adverse event reporting system continues, but is delayed because key personnel on the project became unavailable due to deployment.
We will review IHS's agency-wide standards for the quality of care, the subsequent monitoring of facility performance, and enhancements to its adverse event reporting system when they are completed.		

**Appendix III: Status of Unimplemented  
Recommendations to the DHHS on the Indian  
Health Service**

Category and recommendation	Report number	Status
<p>2. To help ensure that quality care is provided to AI/AN people, the Secretary of HHS should direct the Director of IHS to develop contingency and succession plans for the replacement of key personnel, including area directors.</p>	<p><a href="#">GAO-17-181</a></p>	<p>HHS agreed with this recommendation, and HHS officials have told us that they have implemented it. Specifically, officials told us that all IHS headquarters offices and area offices established a succession plan that identified staff and development needs to prepare for future leadership opportunities. IHS headquarters and area offices determined the key leadership positions and the competencies associated with each position in their respective office, and identified employees who possess or have the potential to develop the competencies to qualify for target positions in the immediate, short, and long-term. Officials also told us that they created development and training opportunities to encourage candidates to be more competitive and achieve the critical competencies needed for anticipated leadership vacancies. They also told us that updated succession plans from headquarters office directors and area directors will be required to be submitted to IHS on an annual basis.</p> <p>We responded to HHS in July 2017 that, in order to determine whether IHS has implemented this recommendation, we need to receive documentation of contingency and succession plans that have been put in place for key personnel. We explained that some possibilities include agency-wide policy memos on requirements for contingency and succession planning and actual written contingency and succession plans. As of late August 2017 we have not received any documentation.</p>

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## Strategic Planning and External Liaison

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