



August 2020

# NATIVE AMERICAN YOUTH

Agencies  
Incorporated Almost  
All Leading Practices  
When Assessing  
Grant Programs That  
Could Prevent or  
Address Delinquency

Accessible Version

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### Agencies Incorporated Almost All Leading Practices When Assessing Grant Programs That Could Prevent Or Address Delinquency

#### Why GAO Did This Study

Federal and other studies have noted that exposure to violence and substance abuse make Native American youth susceptible to becoming involved with the justice system. GAO was asked to examine federal and tribal efforts to address juvenile delinquency and the barriers tribes face in doing so.

This report examines (1) federal financial assistance targeting tribes that could prevent or address juvenile delinquency; (2) the extent to which federal agencies assess the performance of selected grant programs and incorporate leading practices; and (3) the juvenile delinquency challenges tribes report facing. GAO identified relevant grant programs during fiscal years 2015 through 2018—the most recent data available when GAO began the review. GAO analyzed documents and interviewed agency officials to determine how they assessed grant program performance and conducted interviews with 10 tribes and two tribal consortia to discuss challenges with delinquency.

#### What GAO Recommends

GAO is making three recommendations, including that relevant HHS and Interior offices develop a process to assess the reliability of tribal grantee performance information and that an Interior office take steps to alert grantees that are late in submitting progress reports. Interior concurred with the two recommendations. HHS disagreed with GAO's recommendation. GAO clarified the recommendation to HHS and continues to believe it is warranted.

View [GAO-20-600](#). For more information, contact Gretta L. Goodwin, 202-512-8777, or [GoodwinG@gao.gov](mailto:GoodwinG@gao.gov)

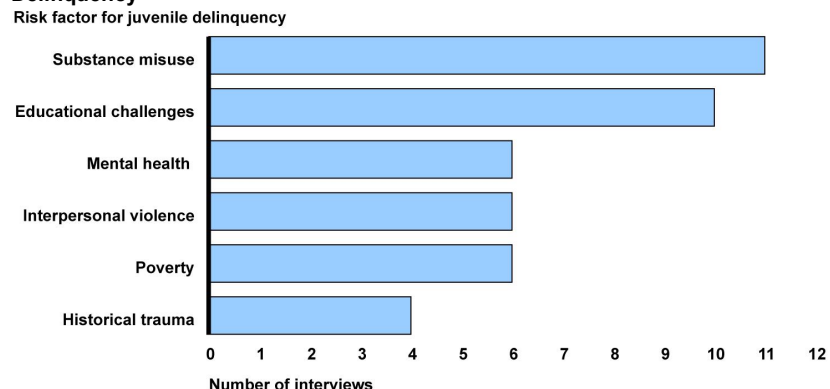
#### What GAO Found

The Departments of Justice (DOJ), Health and Human Services (HHS), the Interior (Interior), and Education (Education) administered at least 38 grant programs from fiscal years 2015 through 2018 that could have helped prevent or address delinquency among Native American youth. These agencies made about \$1.9 billion in awards to grantees through these programs during this period.

These agencies incorporated almost all of the leading practices GAO identified for performance measurement or program evaluation when assessing the performance of selected grant programs. For example, HHS's Administration for Children and Families (ACF) incorporated 13 of the 14 leading practices for performance measurement but did not fully assess grantee data reliability for one of its programs. By developing a process to assess the reliability of grantee data contained in the annual performance reports that tribal recipients submit, ACF could obtain further assurance that it has an accurate representation of grantee performance. GAO also found that Interior's Bureau of Indian Education (BIE) did not conduct formal data reliability checks on performance data that grantees report and did not always collect performance reports from grantees in a timely manner for one of its programs. By developing a process to assess the reliability of a sample of grantee performance data and taking steps to alert grantees when they are late in submitting performance reports, BIE could better ensure that grantees are complying with the terms and conditions of the grant program and better understand how the program and its grantees are performing.

Officials in all 12 interviews with tribes or tribal consortia GAO interviewed cited risk factors that contribute to juvenile delinquency in their communities.

**Number of Interviews in Which Tribal Officials Cited Risk Factors Contributing to Juvenile Delinquency**



Source: GAO analysis of interviews with officials from federally recognized tribes and tribal consortia. | GAO-xx-xxx

Note: The figure includes the most common risk factors tribal officials cited for juvenile delinquency.

While tribal officials cited restrictions placed on federal grant funding, difficulty communicating with program staff, and challenges hiring and retaining staff as barriers to implementing federal programs, they also identified promising practices, such as executing culturally relevant programs, for preventing or addressing juvenile delinquency.

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#### Abbreviations

ACF	Administration for Children and Families
BIE	Bureau of Indian Education

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DOJ	Department of Justice
Education	Department of Education
Evidence Act	Foundations for Evidence-Based Policymaking Act of 2018
HHS	Department of Health and Human Services
Interior	Department of the Interior
OJJDP	Office of Juvenile Justice and Delinquency Prevention

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August 6, 2020

The Honorable John Hoeven  
Chairman  
Committee on Indian Affairs  
United States Senate

The Honorable John Barrasso  
United States Senate

American Indian and Alaska Native (Native American) youth face unique challenges when it comes to their contact with the justice system. According to federal and other reports, issues such as historical trauma, exposure to violence, and substance abuse, coupled with high poverty rates and tribal communities' lack of funding for mental health and other services, may make some Native American youth susceptible to becoming involved with the justice system.<sup>1</sup> These reports also note that tribal justice systems may lack resources when compared with federal and state justice systems, which themselves may not have culturally appropriate programming to meet the needs of Native American youth.

Federal agencies, including the Departments of Justice (DOJ), Health and Human Services (HHS), the Interior (Interior), and Education (Education), provide financial assistance that could potentially help prevent or address delinquency among Native American youth.<sup>2</sup> In 2017, however, the Council of the Inspectors General on Integrity and Efficiency issued a report that identified common vulnerabilities in federal programs serving Native American communities across several agencies' Office of the Inspector General audits, such as deficiencies in assessing the quality and effectiveness of federal programs benefiting Native American

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<sup>1</sup>For example, see the Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence, *Ending Violence so Children Can Thrive* (Washington, D.C.: November 2014); and Indian Law and Order Commission, *A Roadmap for Making Native America Safer: Report to the President and Congress of the United States* (November 2013).

<sup>2</sup>According to the DOJ Office of Juvenile Justice and Delinquency Prevention (OJJDP), a delinquent act is an act committed by a juvenile for which an adult could be prosecuted in a criminal court but, when committed by a juvenile, is within the jurisdiction of the juvenile court. Delinquent acts include crimes against persons, crimes against property, drug offenses, and crimes against public order, when juveniles commit such acts.

communities.<sup>3</sup> In the same year, we added to our High Risk List Interior and HHS's management of education, energy, and health care programs that serve tribes and their members, given concerns about the overall performance of their federal programs that serve Native American populations.<sup>4</sup>

In September 2018, we reported on what available data show about the number and characteristics of Native American youth in the federal, state, local, and tribal justice systems. We found that the number of Native American youth in federal as well as state and local justice systems declined across the arrest, adjudication, and confinement phases of the justice system from 2010 through 2016.<sup>5</sup> We also reported on discretionary grants and cooperative agreements that federal agencies awarded from fiscal years 2015 through 2017 that could have helped prevent or address delinquency among Native American youth. We identified at least 122 DOJ and HHS discretionary grants and cooperative agreements across several issue areas, such as violence or trauma, justice system reform, suicide prevention, and alcohol and substance abuse. We also found that tribal governments and Native American

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<sup>3</sup>Council of the Inspectors General on Integrity and Efficiency, *Vulnerabilities and Resulting Breakdowns: A Review of Audits, Evaluations, and Investigations Focused on Services and Funding for American Indians and Alaska Natives* (Washington, D.C.: December 2017).

<sup>4</sup>In 2017, we identified weaknesses in Interior's Office of the Assistant Secretary for Indian Affairs's oversight of personnel responsible for inspecting Bureau of Indian Education (BIE) school facilities for safety, and management of BIE school construction projects. We also reported that the Office of the Assistant Secretary for Indian Affairs's lack of oversight of BIE school safety contributed to deteriorating facilities and equipment in school facilities. See 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). In March 2019, we reported that, as of December 2018, the Office of the Assistant Secretary for Indian Affairs had made progress in addressing some areas of our recommendations to address these deficiencies, such as taking actions to monitor corrective measures that address weaknesses with the agency's safety program—which covers safety at BIE schools. However, challenges remain, including that the agency has not yet demonstrated that it is monitoring whether relevant employees are being held to the agency's required performance standards for safety inspections. We also found that the Office of the Assistant Secretary for Indian Affairs has not put in place a comprehensive, long-term capital asset plan to inform allocation of school facility funds. See *High Risk Series: Substantial Efforts Needed to Achieve Greater Progress on High-Risk Areas*, [GAO-19-157SP](#) (Washington, D.C.: Mar. 6, 2019).

<sup>5</sup>We generally analyzed calendar year data at the state and local levels and fiscal year data at the federal level. See GAO, *Native American Youth: Involvement in Justice Systems and Information on Grants to Help Address Juvenile Delinquency*, [GAO-18-591](#) (Washington, D.C.: Sept. 5, 2018).



organizations applied primarily for discretionary grants and cooperative agreements that specified tribes or Native Americans as a primary beneficiary.

You asked us to review information about Native American youth in the justice system. This report addresses (1) the extent to which federal agencies provide financial assistance targeted to tribes that could help prevent or address delinquency among Native American youth; (2) the extent to which federal agencies assess the performance of selected grant programs that could help prevent or address delinquency among Native American youth and the extent to which they incorporate leading practices when doing so; and (3) juvenile delinquency issues tribes report encountering within their communities and the challenges they face in preventing or addressing these issues.

To address our first objective, we identified relevant federal financial assistance available from fiscal years 2015 through 2018, which included discretionary grants, cooperative agreements, and formula grants (collectively referred to as grant programs throughout the report).<sup>6</sup> To identify relevant grant programs, we searched Grants.gov—an online repository that houses information on over 1,000 different programs across federal agencies—as well as agencies’ websites.<sup>7</sup> We then selected discretionary grant programs whose summary descriptions or purposes explicitly mentioned tribes or Native Americans as beneficiaries<sup>8</sup> and whose activities related to the risk or protective factors discussed in

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<sup>6</sup>We selected this period to focus on the most recent trends in available funding from when we began the review. According to [GAO-11-646SP](#), a program may be any activity, project, function, or policy that has an identifiable purpose or set of objectives. See GAO, *Performance Measurement and Evaluation: Definitions and Relationships*, [GAO-11-646SP](#) (Washington, D.C.: May 2, 2011).

<sup>7</sup>Within Grants.gov, we specifically searched for grant programs within nine federal agencies because they accounted for about 97 percent of federal funding that served Native American communities in fiscal year 2018. These federal agencies included DOJ, HHS, Interior, and Education, among others. For example, according to a fiscal year 2019 Federal Funding for Program Serving Tribes and Native American Communities budget document, federal agencies enacted approximately \$22.017 billion for programs that served Native Americans in fiscal year 2018, and approximately \$21.431 billion, or about 97 percent, came from nine federal agencies.

<sup>8</sup>We excluded grant programs that focused on providing services for victims of crimes and violence from this review just as we did in [GAO-18-591](#). We also excluded selected Interior’s National Park Service discretionary cooperative agreements that facilitated Native American youth involvement in tribal cultural resource projects but did not accept applications from other entities.

the Office of Juvenile Justice and Delinquency Prevention's (OJJDP) Tribal Youth in the Juvenile Justice System literature review, among other criteria.<sup>9</sup> For formula grant programs, we also selected as relevant those grant programs whose activities related to the risk or protective factors discussed in the aforementioned literature review as well as those for which tribal entities were eligible to apply directly for funding. After developing an initial list of relevant grant programs based on our review of Grants.gov search results and agency websites, we worked with officials from HHS, DOJ, Interior, and Education—the agencies from which we initially identified relevant programs—to identify any additional relevant programs. Despite these steps, it is possible that we did not identify all potentially relevant federal grant programs targeted to tribes that could prevent or address delinquency among Native American youth. Moreover, for some grant programs we identified, addressing juvenile delinquency is not the primary purpose and beneficiaries may include youth who are neither Native American nor have a history of delinquency. We included them as programs that could address juvenile delinquency because, as mentioned above, their described activities relate to the risk or protective factors discussed in the OJJDP Tribal Youth in the Juvenile Justice System literature review, among other criteria.

After finalizing the list of relevant grant programs, we obtained award data for these programs for fiscal years 2015 through 2018 from each of the agencies. We assessed the reliability of the award data by reviewing related documentation, performing checks for missing data and other obvious errors, and asking knowledgeable officials questions about their agencies' information systems that contain these award data as well as how they use these systems. We determined that the award data were sufficiently reliable for the purposes of reporting funding trends for grant programs that could have helped prevent or address delinquency among Native American youth from fiscal years 2015 through 2018.

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<sup>9</sup>Office of Juvenile Justice and Delinquency Prevention, *Literature Review: A Product of the Model Programs Guide—Tribal Youth in the Juvenile Justice System* (Washington, D.C.: last updated April 2016). This literature review identified risk factors for tribal youth, which are characteristics or activities that could contribute to a higher likelihood of their contact with the criminal justice system. These risk factors included historical trauma, violence, suicide, substance use, and lack of cultural instruction. The literature review also listed various protective factors—characteristics of the child, family, and wider environment that can increase resiliency and reduce the likelihood of negative child outcomes and behaviors, such as contact with the juvenile justice system. The protective factors in the literature review included family and culture.

In addition to identifying relevant grant programs, we also interviewed agency officials who manage self-determination contracts and self-governance compacts to determine the extent to which tribes might use financial assistance from these sources to prevent or address delinquency among Native American youth.<sup>10</sup>

For our second objective, we conducted interviews with or submitted questions for written responses to officials from HHS, DOJ, Education, and Interior to determine the extent to which agencies assessed the performance of selected grant programs.<sup>11</sup> We also selected a nonprobability sample of 15 grant programs that these agencies administered from the relevant programs we identified from fiscal years 2015 through 2018 that we identified as relevant for the first objective. In selecting this sample, we employed a multistage process that considered (1) the federal agency that administers the program, (2) the agency component office that manages the program, and (3) the program type (that is discretionary versus formula grant program).<sup>12</sup> In considering these three factors, we were able to select a sample that represented a mix of agencies, component offices, and types of programs. For these programs, we reviewed documentation such as performance reports for one to two grantees of each of the 15 programs.

In addition, we determined the extent to which HHS, DOJ, Education, and Interior incorporated leading practices for performance measurement or program evaluation when assessing the performance of their grant

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<sup>10</sup>Authorized by the *Indian Self-Determination and Education Assistance Act of 1975*, as amended, self-determination contracts and self-governance compacts are agreements between tribes (or tribal organizations) and Interior and HHS's Indian Health Service. Self-determination contracts and self-governance compacts are agreements that enable tribes to assume the administration of certain federal programs—or portions of them—that the agencies themselves previously managed. See Pub. L. No. 93-638, 88 Stat. 2203 (classified as amended at 25 U.S.C. §§ 5301-10); see also 25 U.S.C. § 5304(l). We discuss these agreements in more detail in later sections of this report.

<sup>11</sup>For the purposes of this report, assessing performance refers to agencies determining the extent to which a grantee or grant program has made progress on its goals or how well a grant program is working as measured by the incorporation of leading practices we identified for performance measurement and program evaluation.

<sup>12</sup>We did not include self-determination contracts and self-governance compacts tribes have with HHS's Indian Health Service and Interior. This is because monitoring of the implementation of these agreements is governed by the *Indian Self-Determination and Education Assistance Act*, as amended, and its implementing regulations, and monitoring and performance measurement standards that generally apply to federal grant programs do not generally apply to these agreements.

programs.<sup>13</sup> To do this, we (1) identified leading practices for performance measurement and program evaluation and (2) determined the extent to which agencies incorporated these leading practices for the nonprobability sample of 15 programs we previously mentioned. We identified leading practices for performance measurement and program evaluation by analyzing the content of relevant GAO and external guidance and reports to identify initial leading practices.<sup>14</sup> We then combined those initial leading practices that we determined were substantially similar. We finalized the list of leading practices based on feedback from internal specialists. In total, we identified 14 leading practices for performance measurement and 14 leading practices for program evaluation. See appendix I for the list of leading practices we identified for performance measurement and program evaluation and appendix II for the list of sources we reviewed to identify them.

We then assessed the extent to which agencies incorporated the leading practices we identified by conducting interviews with or submitting questions for written responses to cognizant agency officials. We also analyzed program documentation for the grantees of the nonprobability sample of 15 grant programs as well as program evaluation reports published between fiscal years 2015 and 2018 that focused on Native American youth regardless of program.<sup>15</sup> Despite these steps, it is possible that we did not identify every program evaluation report that focused on Native American youth published during this period. Additionally, because we relied on limited nonprobability samples of grant programs, grantees, and program evaluation reports to determine the

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<sup>13</sup>See GAO, *Best Practices Methodologies: A New Approach for Improving Government Operations*, [NSIAD-95-154](#) (Washington, D.C.: May 1, 1995). According to this report, best management practices refer to the processes, practices, and systems that are widely recognized as improving an organization's performance and efficiency in specific areas. For the purpose of this review, the term "leading practices" refers to commonly mentioned and recommended practices related to performance measurement and program evaluation that we identified when reviewing GAO and external reports or guidance relevant to these topics.

<sup>14</sup>Among others, we reviewed GAO reports such as *Designing Evaluations: 2012 Revision*, [GAO-12-208G](#) (Washington, D.C.: Feb. 1, 2012) and external guidance such as the American Evaluation Association's *Guiding Principles for Evaluators* (Washington, D.C.: July 2004).

<sup>15</sup>We did not assess the extent to which an agency or component office incorporated leading practices for program evaluation if we could not identify an evaluation report they published from fiscal years 2015 through 2018 that focused on Native American youth. We also did not assess reports that, in our judgement, did not meet the definition of program evaluation contained within [GAO-11-646SP](#).

extent to which agencies incorporated the leading practices we identified, our findings are not generalizable to the universe of federal programs, grantees, and program evaluation reports. However, they do offer insights into agencies' performance measurement and program evaluation practices, particularly as those practices relate to grant programs targeted to tribal communities.<sup>16</sup>

To address our third objective, we conducted 12 semistructured interviews with officials from 10 federally recognized Indian tribes (tribes) and two tribal consortia. We selected these interviewees to include tribes or tribal consortia located near our site visit locations but also considered geographical diversity as well as a mix of smaller and larger tribes.<sup>17</sup> We then identified common trends across the interviews we held using NVivo, a qualitative analysis software program.<sup>18</sup> In addition to these interviews, we also conducted two discussion groups at tribal-focused conferences with about 30 officials who volunteered to participate. The perspectives that the tribes, tribal consortia, and the two discussion groups offered are not generalizable, but they provide insights into the juvenile delinquency issues that some tribes encounter within their communities, the types of challenges they face in preventing or addressing these issues, and the practices for addressing these challenges that they consider promising. For further information on our scope and methodology, see appendix I.

We conducted this performance audit from August 2018 to August 2020 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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<sup>16</sup>Although we evaluated the extent to which agencies incorporated leading practices for performance measurement and program evaluation, we did not assess the performance of specific grant programs themselves.

<sup>17</sup>We conducted site visits with federally recognized tribes and agency officials in California and New Mexico.

<sup>18</sup>We counted an interview as mentioning a specific issue or challenge related to preventing or addressing juvenile delinquency if at least one of the tribal officials participating in the interviews discussed it.

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## Background

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### Native American Population and Indian Land Areas

Approximately 6.9 million people in the United States identified as Native American based on 2018 U.S. Census annual population estimates, of which about 29 percent were under 18 years old.<sup>19</sup> As of January 2020, the federal government has recognized 574 Indian tribes, thereby making them eligible to receive funding and services from Interior.<sup>20</sup> According to Interior's Bureau of Indian Affairs, as of June 2018, there were approximately 497 Indian land areas in the United States administered as federal Indian reservations or other tribal lands (for example, pueblos, villages, and communities). These land areas, which span more than 56 million acres and 37 states and vary in size, can generally be referred to as Indian country.<sup>21</sup> Indian country is often in remote, rural locations but also can be found near urban areas. Native Americans live both inside and outside of these land areas, and people who live in Indian country may include those who identify as Native American and those who do not. Figure 1 illustrates areas in the United States with relatively high concentrations of Native Americans.

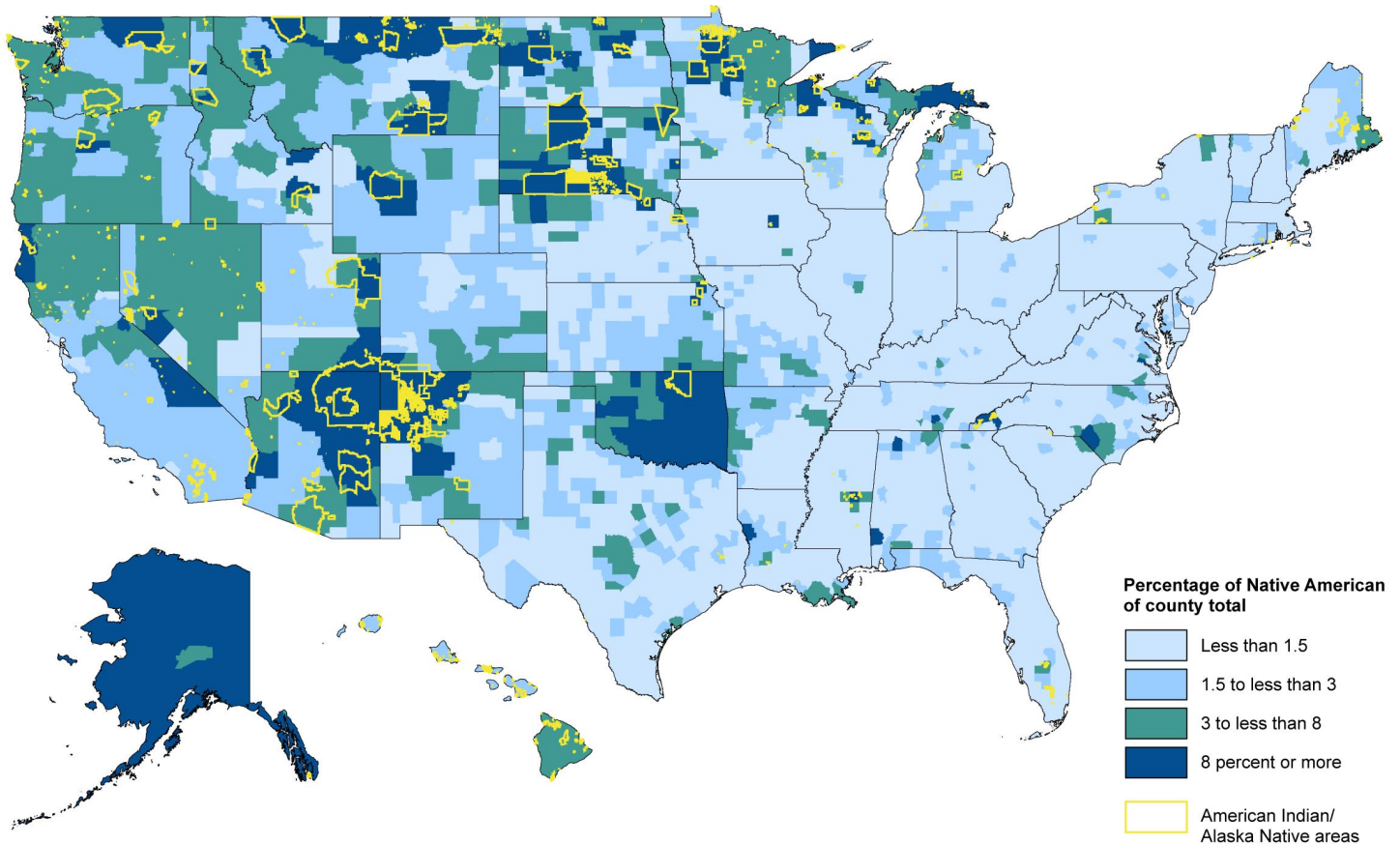
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<sup>19</sup>The U.S. Census Bureau defines American Indian or Alaska Native as "A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment." The U.S. Census Bureau adheres to the 1997 Office of Management and Budget standards on race and ethnicity, which guide the Census Bureau in classifying written responses to the race question. The 1997 Office of Management and Budget standards permit the reporting of more than one race, and an individual's response to the race question is based upon self-identification. For the purposes of this report, we use the term "Native American" to refer to American Indian or Alaska Native individuals, as discussed above.

<sup>20</sup>See *Indian Entities Recognized by and Eligible to Receive Services from the Bureau of Indian Affairs*, 85 Fed. Reg. 5462 (Washington, D.C.: Jan. 30, 2020).

<sup>21</sup>See 18 U.S.C. § 1151. With certain exceptions, there is generally no Indian country in Alaska. As an example of size variation, the Navajo Nation spans New Mexico, Arizona, and Utah and consists of approximately 27,000 square miles, whereas certain areas of Indian country in California consist of less than 1 square mile.

Figure 1: Map of Native Americans in the United States as a Percentage of County Population, according to the 2010 Census



Source: United States Census Bureau; MapInfo (map). | GAO-20-600

Note: The American Indian/Alaska Native areas in the map denotes Indian land areas, which is also known as Indian country.

## Federal Financial Assistance That Could Help Prevent or Address Juvenile Delinquency in Tribal Communities

Federal agencies, including HHS, DOJ, Education, and Interior, provide financial assistance that could potentially help prevent or address juvenile delinquency in tribal communities. This financial assistance could include discretionary grants, cooperative agreements, and formula grants, as well as self-determination contracts and self-governance compacts.

**Discretionary grants.** Discretionary grants are competitive in nature, whereby the granting agency has discretion to choose one applicant over another based on eligibility and merit.

**Cooperative agreements.** Cooperative agreements are similar to discretionary grants in that federal agencies generally award them to grantees competitively based on eligibility and merit. In contrast to discretionary grants, federal agencies generally use cooperative agreements when they anticipate that there will be substantial federal involvement with the recipient during the performance of the program activities.<sup>22</sup>

**Formula grants.** Formula grants are a type of noncompetitive grant that agencies award to grantees based on statistical criteria. Authorizing legislation and regulations usually define the statistical criteria and the funding amount allocated to recipients of formula grants. Although federal agencies generally award formula grants to state, territorial, and local governments, tribes can also receive funding from these grants. Tribes may receive these grants either through pass-through awards that allow entities such as state governments to make subawards to tribes to carry out the public purpose of the program within their jurisdiction or by applying directly to receive funding, if they are eligible.<sup>23</sup>

**Self-determination contracts and self-governance compacts.** Self-determination contracts and self-governance compacts are agreements that authorize tribes or tribal organizations to assume administration of certain federal programs—or portions thereof—that the HHS's Indian Health Service or Interior previously managed.<sup>24</sup> These agreements are not grant programs. Although both types of agreements transfer the administration of federal programs to tribes or tribal organizations, there are differences between the agreements. For example, self-governance

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<sup>22</sup>See 31 U.S.C. § 6305; see also 59 Comp. Gen. 758 (1980) (stating that “the only basic distinguishing factor between grants and cooperative agreements under the statute is the degree of federal participation during performance.”).

<sup>23</sup>Federal agencies also award another type of grant primarily to government entities—block grants. According to Grants.gov, a block grant is funding assistance that the federal government often awards to state or territorial governments that generally allows for autonomy and flexibility to the grantees to decide how to implement the program as long as they meet the legislatively defined purposes and parameters.

<sup>24</sup>See Pub. L. No. 93-638, 88 Stat. 2203 (1975) (codified as amended at 25 U.S.C. §§ 5301-5423).



compacts generally allow tribes and tribal organizations to redesign or consolidate programs pursuant to the terms of the compact. In contrast, tribes and tribal organizations that have entered into self-determination contracts with HHS's Indian Health Service or Interior would need to propose a change to the self-determination contract or annual funding agreement in order to redesign programs included in the contract.<sup>25</sup>

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## Performance Measurement and Evaluation of Federal Grant Programs

Agencies may assess the performance of their grant programs through activities such as performance measurement and evaluation. Performance measurement is the ongoing monitoring and reporting of program accomplishments, particularly progress toward preestablished goals. Program evaluations are individual systemic studies conducted periodically or on an ad hoc basis to assess how well a program is working. Both forms of assessment aim to support resource allocation and other policy decisions to improve service delivery and program effectiveness. Because of its ongoing nature, performance measurement can serve as an early warning system to agencies if a program is at risk of not achieving its objectives. By contrast, a program evaluation typically involves a more in-depth examination of program performance than performance measurement allows for, and can also identify adjustments that may improve programmatic results.<sup>26</sup>

We have previously reported as well as issued guidance on aspects of performance measurement and program evaluation.<sup>27</sup> Additionally, the Office of Management and Budget's *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* contains requirements for performance monitoring and reporting,

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<sup>25</sup>In January 2019, we reported on differences between the self-determination contracts and self-governance compacts that Interior enters into with tribes and tribal organizations. See GAO, *Indian Programs: Interior Should Address Factors Hindering Tribal Administration of Federal Programs*, [GAO-19-87](#) (Washington, D.C.: Jan. 3, 2019).

<sup>26</sup>For the purposes of this review, we use the definitions for performance measurement and program evaluation contained within [GAO-11-646SP](#).

<sup>27</sup>For selected examples, see GAO, *Managing for Results: Further Progress Made in Implementing the GPRA Modernization Act, but Additional Actions Needed to Address Pressing Governance Challenges*, [GAO-17-775](#) (Washington, D.C.: Sept. 29, 2017); and *Designing Evaluations: 2012 Revision*, [GAO-12-208G](#) (Washington, D.C.: Jan. 31, 2012).

while external entities such as the American Evaluation Association have issued guidance to federal agencies on integrating evaluations into program management.<sup>28</sup> Furthermore, the *Foundations for Evidence-Based Policymaking Act of 2018* (Evidence Act), enacted in January 2019, seeks to create a framework for a more comprehensive and integrated approach to federal evidence-building activities.<sup>29</sup> Evidence is broadly defined and can include activities such as performance measurement and program evaluation, according to Office of Management and Budget guidance to federal agencies responsible for implementing the Evidence Act.<sup>30</sup> In March 2020, the Office of Management and Budget, in accordance with the Evidence Act, issued guidance for program evaluation and identified best practices for evaluation that it strongly encourages agencies to consider implementing.<sup>31</sup>

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## Agencies Provided at Least 38 Grant Programs Targeted to Tribes That Could Help Prevent or

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<sup>28</sup>For selected examples, see Office of Management and Budget, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, 2 C.F.R. part 200; and American Evaluation Association, *An Evaluation Roadmap for a More Effective Government* (Washington, D.C.: Revised October 2016). 2 C.F.R. part 200 generally applies to federal grant programs.

<sup>29</sup>See Pub. L. No. 115-435, 132 Stat. 5529 (enacted Jan. 14, 2019). Some of the specific provisions of the Evidence Act include a requirement that agencies appoint a senior employee as an evaluation officer. This official would be responsible for activities such as assessing an agency's ongoing evaluation activities and capacity to support the development and use of evaluation as well as establishing and implementing an agency evaluation policy. We did not examine agencies' implementation of those activities because the scope of our review focused on agencies' performance measurement or program evaluation activities from fiscal years 2015 through 2018.

<sup>30</sup>See Office of Management and Budget, *Phase 1 Implementation of the Foundations for Evidence-Based Policymaking Act of 2018: Learning Agendas, Personnel, and Planning Guidance*, OMB Memorandum M-19-23 (Washington, D.C.: 2019).

<sup>31</sup>See Office of Management and Budget, *Phase 4 Implementation of the Foundations for Evidence-Based Policymaking Act of 2018: Program Evaluation Standards and Practices*, OMB Memorandum M-20-12 (Washington, D.C.: 2020).

## Address Delinquency among Native American Youth

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### HHS, DOJ, Education, and Interior Administered at Least 38 Relevant Discretionary and Formula Grant Programs

We found that HHS, DOJ, Education, and Interior administered at least 38 grant programs that could have been used to prevent or address delinquency among Native American youth. These include at least 33 discretionary grant programs from fiscal years 2015 through 2018 and five formula grant programs for which tribes could apply directly. See appendix III for the full list of grant programs we identified. HHS, DOJ, Education, and Interior awarded approximately \$1.9 billion through these grant programs during this period,<sup>32</sup> with HHS accounting for approximately two-thirds of the total amount awarded.<sup>33</sup> Figure 2 below shows the total number and value of grant programs we identified by agency.<sup>34</sup>

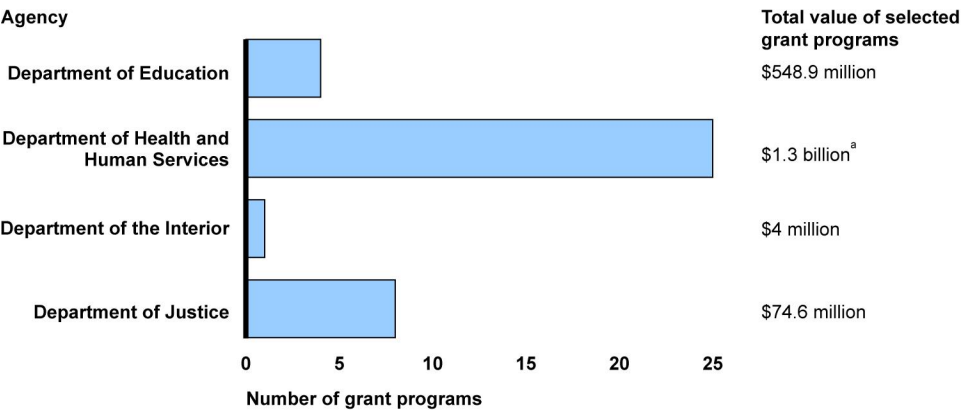
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<sup>32</sup>This total does not include funding tribes and tribal organizations received through Interior and HHS Indian Health Service self-determination contracts and self-governance compacts.

<sup>33</sup>For the four HHS formula grants we identified as relevant for this review, we included only the funding that the agency awarded directly to tribes and tribal organizations in the \$1.9 billion figure we cited.

<sup>34</sup>This amount includes both initial funding agencies award to grantees upon approving their application as well as any continuation awards that agencies award to grantees in subsequent years. A continuation award is an extension or renewal of existing program funding for one or more additional period(s) that would otherwise expire and are typically available to existing grantees of discretionary, multiyear projects. The fiscal year 2018 funding opportunity announcement for the HHS Tribal Behavioral Health Grant Program, for example, informs applicants that they could receive up to \$250,000 per year for up to 5 years, depending on conditions such as available funds, progress in meeting project goals, and timely reporting.

**Figure 2: Number and Value of Selected Grant Programs That Grantees Could Have Used to Help Prevent or Address Tribal Juvenile Delinquency, Fiscal Years 2015-2018**



Source: GAO analysis of federal grant award data. | GAO-20-600

Note: These totals do not include funding tribes and tribal organizations received through Department of the Interior and Department of Health and Human Services' (HHS) Indian Health Service self-determination contracts and self-governance compacts.

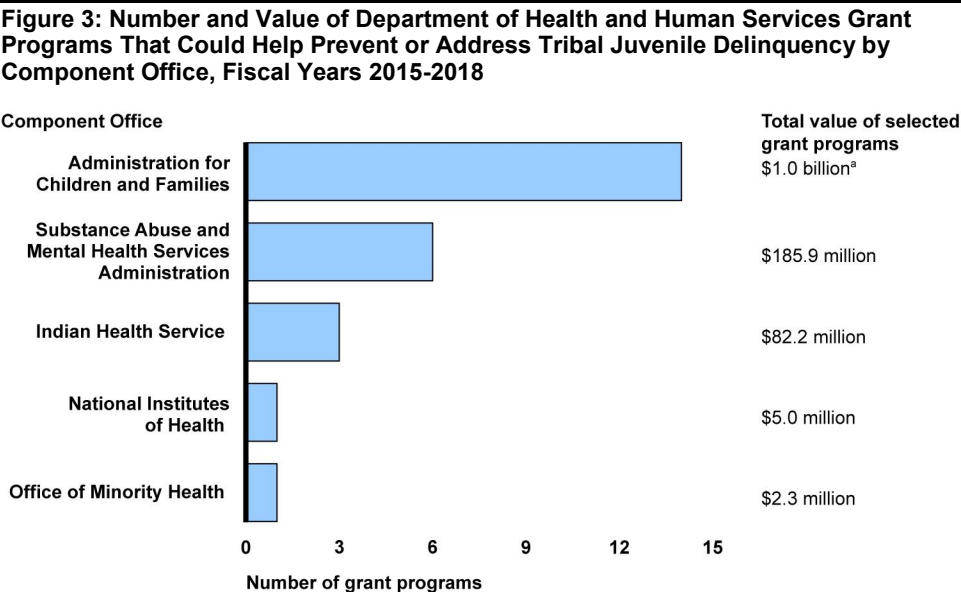
<sup>a</sup>For the HHS formula grants we identified as relevant for this review, we included only the funding that the agency awarded directly to tribes and tribal organizations.

## HHS

HHS administered 21 of the 33 discretionary grant programs and four of the five formula grant programs that we identified, totaling 25 grant programs valued at approximately \$1.3 billion.<sup>35</sup> For example, HHS's Indian Health Service solicited applications for the Methamphetamine and Suicide Prevention Initiative-General Indigenous Initiative Support program in fiscal years 2016 and 2017. This discretionary grant program seeks culturally appropriate ways to prevent methamphetamine and other substance use that could contribute to suicidal behaviors; the grant also seeks to hire additional behavioral health staff in tribal communities that specialize in child and family services. One of the HHS formula grant programs we identified is the Promoting Safe and Stable Families program, whose primary goals include preventing the unnecessary

<sup>35</sup>HHS's Promoting Safe and Stable Families grant program we identified as relevant for this review contains award funding on both a formula and discretionary basis. However, for the purposes of this review, we characterize it as a formula grant because HHS primarily obligates program awards on a formula basis. For example, of the approximately \$327 million HHS obligated for the Promoting Safe and Stable Families program in fiscal year 2018, HHS obligated only about \$2 million in discretionary awards.

separation of children from their families. This program reserves 3 percent of its total annual funding for eligible tribes and tribal consortia.<sup>36</sup> See figure 3 below for the HHS award amounts by component office.



Source: GAO analysis of Department of Health and Human Services grant award data. | GAO-20-600

Note: The these totals do not include funding tribes and tribal organizations received through Department of Health and Human Services' Indian Health Service self-determination contracts and self-governance compacts.

<sup>a</sup>For the Administration for Children and Families (ACF) formula grants we identified as relevant for this review, we included only the funding that the agency awarded directly to tribes and tribal organizations. For example, ACF awarded tribal grantees approximately \$42 million for the Promoting Safe and Stable Families formula grant program from fiscal years 2015 through 2018 out of a total amount of approximately \$1.5 billion during this period. The \$1 billion cited above for ACF only includes the \$42 million it awarded to tribal grantees for this formula grant program and not the entire \$1.5 billion it awarded to all of the program grantees.

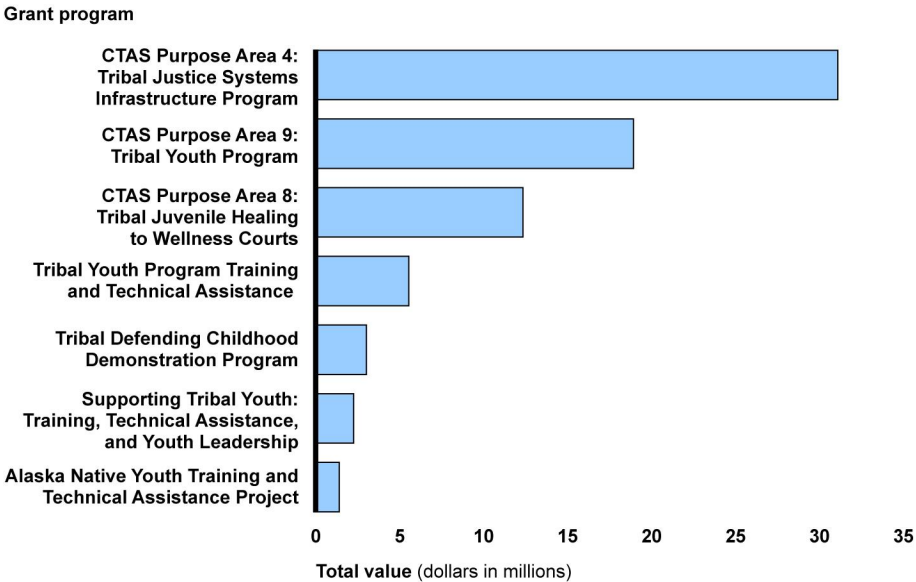
DOJ

DOJ administered eight of the 33 discretionary grant programs we identified that could have helped prevent or address delinquency among

<sup>36</sup>In fiscal year 2017, for example, total funding for the Promoting Safe and Stable Families program was about \$381 million, and tribal entities received approximately \$11.5 million, or about 3 percent, of the program's total funding.

tribal youth, totaling approximately \$74.6 million.<sup>37</sup> For example, OJJDP administered the Coordinated Tribal Assistance Solicitation Purpose Area 9 Tribal Youth Program each fiscal year from 2015 through 2018. This program provides funding for a range of prevention, intervention, and treatment activities that support the overall goals of addressing juvenile delinquency in tribal communities and strengthening the juvenile justice system with which Native American youth come into contact.<sup>38</sup> See figure 4 for the DOJ award amounts by grant program.

**Figure 4: Value of Selected Department of Justice (DOJ) Grant Programs That Could Help Prevent or Address Tribal Juvenile Delinquency, Fiscal Years 2015-2018**



**Legend**

CTAS= Coordinated Tribal Assistance Solicitation

Source: GAO analysis of DOJ grant award data. | GAO-20-600

Note: We identified the National Intertribal Youth Leadership Development Initiative, for which the Office of Juvenile Justice and Delinquency Prevention issued a solicitation inviting applicants to apply

<sup>37</sup>We identified the National Intertribal Youth Leadership Development Initiative as within our scope. However, DOJ officials told us that the agency did not make any awards for the program. Also, DOJ's Title II Formula Grants Program provides funding to states to develop programs to address delinquency and improve the juvenile justice system. However, we did not select this program for our review because tribal entities are not eligible to apply directly for funding.

<sup>38</sup>The Coordinated Tribal Assistance Solicitation is a mechanism by which DOJ, since fiscal year 2010, has combined existing tribal-specific competitive solicitations into one solicitation and required only one application from each tribe or tribal consortium.

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for funding in fiscal year 2017, as a grant program that could have helped prevent or address delinquency among Native American youth. However, DOJ officials told us that the agency received three applications but did not make any awards for the program.

## Education

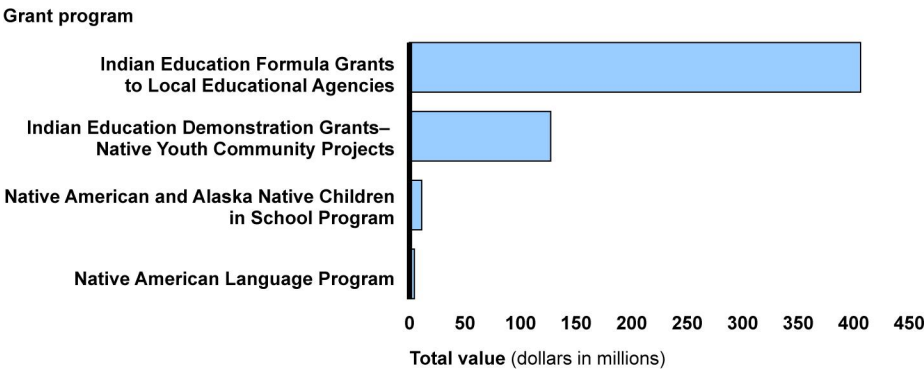
We identified three discretionary and one formula grant program that Education administered from fiscal years 2015 through 2018 totaling about \$548.9 million.<sup>39</sup> For example, Education's Office of Elementary and Secondary Education offered funding for up to 3 years for the Native American Language Program in fiscal years 2017 and 2018. This program supports schools that use Native languages as the primary language of instruction and supports the rights and ability for tribal communities to use, practice, maintain, and revitalize their languages, among other purposes. According an OJJDP literature review, culture—which includes traditional values, customs, activities, ceremonies, and language—can be a protective factor that could potentially increase resiliency among Native American youth and reduce the likelihood of negative outcomes such as contact with the juvenile justice system.<sup>40</sup> The Office of Elementary and Secondary Education administers the Indian Education Formula Grants to Local Educational Agencies formula grant program. This program supports the efforts of entities such as local educational agencies and tribes in developing elementary school and secondary school programs for Native American students that are designed to meet their unique cultural, linguistic, and educational needs. According to Education officials, the Office of Elementary and Secondary Education made over 1,200 awards to grantees through the Indian Education Formula Grants to Local Education Agencies program each fiscal year from 2015 through 2018. See figure 5 below for the Education program-by-program award amounts.

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<sup>39</sup>Education officials told us that although the agency grant programs cited in the report could reduce student interactions with the justice system, doing so is not the statutory purpose of these programs.

<sup>40</sup>See Office of Juvenile Justice and Delinquency Prevention, *Literature Review: A Product of the Model Programs Guide—Tribal Youth in the Juvenile Justice System* (Washington, D.C.: Development Services Group, Inc., 2016).

**Figure 5: Value of Selected Department of Education Grant Programs That Could Help Prevent or Address Tribal Juvenile Delinquency, Fiscal Years 2015-2018**



Source: GAO analysis of Department of Education grant award data. | GAO-20-600

Interior

We identified one Interior grant program the agency administered from fiscal years 2015 through 2018 totaling about \$4 million that could help prevent or address delinquency among Native American youth—the Native Language Immersion Cooperative Agreement. Interior’s BIE made awards in fiscal years 2017 and 2018 to grantees through this discretionary grant program to expand existing language immersion programs or create new programs that will lead to oral proficiency in tribal languages within BIE-funded schools. Interior officials told us that in fiscal year 2017, BIE awarded about \$2 million to five universities and other organizations focused on Native language preservation or education to assist it in creating tribal language-specific professional development, classroom, and curriculum resources for teachers in BIE-funded schools. According to these officials, BIE again made \$2 million in awards through the Native Language Immersion Cooperative Agreement in fiscal year 2018, this time to 15 BIE-funded schools.

**Interior and HHS Administered Self-Determination Contracts and Self-Governance Compacts That Provide Financial Assistance to Tribes**

Interior and HHS’s Indian Health Service also provided financial assistance to tribes through self-determination contracts and self-governance compacts from fiscal years 2015 through 2018 that tribes used to help prevent or address juvenile delinquency in their communities, according to Indian Health Service and Interior officials.



Because the funding that tribes receive from agencies for self-determination contracts and self-governance compact is not a grant, the monitoring and performance standards that generally apply to federal grant programs do not generally apply to these agreements.

HHS officials told us that the Indian Health Service, for example, provides regular funding to 12 Youth Regional Treatment Centers, half of which the Indian Health Service operates directly while tribes or tribal organizations operate the other half under funding from self-determination contracts or self-governance compacts.<sup>41</sup> These treatment centers seek to provide comprehensive services for Native American youth and their families in a residential environment that integrates traditional healing, spiritual values, and cultural identification. Some of the services in the Youth Residential Treatment Centers include substance abuse education and art therapy, as well as aftercare relapse prevention and post-treatment follow-up activities. In addition to these Youth Regional Treatment Centers, we found, for example, that a tribe in South Dakota chose to use funding from its self-determination contract with the Indian Health Service in fiscal year 2017 to implement rehabilitation and aftercare services for youth within its community that were struggling with addiction. Some of the rehabilitation services that this tribe provided included assessments, referrals, and equine (horse)-assisted psychotherapy, while some of the aftercare services it provided for youth in its community included improving decision-making and developing coping skills.

Officials from Interior described various activities related to preventing or addressing juvenile delinquency that tribes implemented using funding they received through self-determination contracts and self-governance compacts.<sup>42</sup> These activities included recidivism programs, tribal courts, and juvenile detention services. For example, Interior officials stated that

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<sup>41</sup>According to HHS officials, the Indian Health Service entered into an average of 248 self-determination contracts between fiscal years 2015 and 2018 worth an average total value of \$803 million per fiscal year during this period. For self-governance compacts, Indian Health Service officials told us that their office entered into an average of 119 funding agreement per fiscal year worth an average total value of \$2 billion per fiscal year during this period. As we mentioned earlier, self-determination contracts and self-governance compacts allow tribes or tribal organizations to assume administration of certain federal programs—or portions thereof—that the HHS's Indian Health Service or Interior previously managed.

<sup>42</sup>According to Interior officials, the agency entered into an average of 731 self-determination contracts between fiscal years 2015 and 2018 worth an average total value of \$553 million per fiscal year during this period. For Interior's self-governance compacts, officials told us that the agency entered into an average of 116 funding agreements per fiscal year worth an average total value of \$487 million per fiscal year during this period.

some tribes included a program called the Recidivism Reduction Initiative in their self-determination contracts or self-governance compacts. The purpose of the Recidivism Reduction Initiative is to identify individuals incarcerated at adult and juvenile detention facilities in Indian country who are at high risk for relapse into criminal or delinquent behavior and then to follow-up with them with post-intervention services for 1 year. Interior officials told us that five tribes received \$1.5 million in Recidivism Reduction Initiative funding in fiscal year 2018 and that two of the five tribes decided to focus their activities on juvenile recidivism. Additionally, some tribes have included funding from the Johnson-O'Malley Program in their self-determination contracts or self-governance compacts for education services that could help prevent or address juvenile delinquency, such as Native language classes and dropout prevention programs.<sup>43</sup>

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## When Assessing Selected Grant Programs, Agencies Incorporated Almost All Leading Practices for Performance Measurement and Program Evaluation

HHS, DOJ, Education, and Interior assessed the performance of grant programs through performance measurement, while HHS, DOJ, and Education assessed the performance of some of their grant programs through program evaluations. In assessing the performance of selected grant programs and the extent to which component offices incorporated leading practices, we found these four agencies incorporated almost all leading practices we identified for performance measurement and program evaluation.

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<sup>43</sup>See generally 25 C.F.R. part 273. We reported on this program in April 2020. See GAO, *Bureau of Indian Education: Actions Needed to Improve Management of a Supplemental Education Program*, [GAO-20-308](#) (Washington, D.C.: Apr. 9, 2020).

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## All Agencies in Our Review Assessed the Performance of Grant Programs through Performance Measurement, and HHS, DOJ, and Education Used Program Evaluations

### Performance measurement

HHS, DOJ, Education, and Interior assessed the performance of selected grant programs they administered from fiscal years 2015 through 2018 in part by conducting a range of performance measurement activities. We found, for example, that all of these agencies monitor and receive updates on the extent to which their grantees are meeting the goals of a given grant program by requiring them to submit periodic performance reports—either quarterly, semiannually, or annually.<sup>44</sup> Agency officials for grant programs such as HHS’s Native American Language Preservation and Maintenance-Esther Martinez Immersion then explicitly certify, upon reviewing performance reports, that grantees are making progress on key activities and objectives. Officials from some agency component offices, such as Education’s Office of English Language Acquisition, told us that they use annual performance reports to identify technical assistance needs for grantees, particularly in instances where grantees struggle to collect and submit performance data.

In addition, selected component offices from these agencies conduct other activities to assess the performance of selected grant programs such as site visits, emails, conference calls, or desk reviews of grantees’ project documentation. For example, DOJ’s Office of Justice Programs conducts desk reviews where grant managers remotely analyze the financial, administrative, and programmatic soundness of a grant program and identify any noncompliance in areas of concern to address with the grantee, among other actions. These grant managers then assess and certify that grantees are current with reporting performance measurement data and that grantees’ activities or deliverables support project goals and objectives, among other activities.

### Program evaluation

HHS, DOJ, and Education conducted or sponsored relevant program evaluations to assess the performance of some of their grant programs between fiscal years 2015 and 2018. Generally, these agencies entered

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<sup>44</sup>We also found that these agencies required grantees to submit financial reports.

into contracts with or made awards to organizations to independently conduct program evaluations on their behalf.

**HHS.** Within HHS, the Office of the Assistant Secretary for Planning and Evaluation, as well as HHS component offices, conduct or sponsor program evaluations.<sup>45</sup> We identified one program evaluation HHS published from fiscal years 2015 through 2018 for a grant program we selected as relevant for this review.<sup>46</sup> Specifically, the HHS Administration for Children and Families' (ACF) Office of Planning, Research and Evaluation awarded a contract to an organization to conduct a cross-site evaluation of the Project Linking Actions for Unmet Needs in Children's Health program, which it published in April 2015.<sup>47</sup> This grant program, which the Substance Abuse and Mental Health Services Administration administers, seeks to promote the wellness of young children by addressing the social, emotional, cognitive, physical, and behavioral aspects of their development. In addition, in April 2020, HHS officials stated that the agency is in the process of developing an approach to implement the Evidence Act, which aims in part to improve agencies' federal evidence-building activities, including program evaluation capacity. HHS officials told us the agency submitted its planned approach for implementing the Evidence Act to the Office of Management and Budget in September 2019. This approach includes developing a process to collect information from component offices to create office-specific evidence-building plans and annual evaluation plans.

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<sup>45</sup>The HHS component offices for which we identified grant programs relevant for this review include the Administration for Children and Families (ACF), Indian Health Service, National Institutes of Health, the Office of Minority Health, and the Substance Abuse and Mental Health Services Administration.

<sup>46</sup>In 2016, HHS's ACF awarded a contract to two organizations to conduct a multisite program evaluation on Tribal Home Visiting programs, which account for two grant programs we selected as relevant for our review. ACF plans to complete this program evaluation by 2021. In addition, HHS officials told us in April 2020 that the Indian Health Service will use the aggregate data that it had previously collected for the Methamphetamine and Suicide Prevention Initiative - Generation Indigenous Initiative Support program to complete evaluation of the program in 2021.

<sup>47</sup>See Abt Associates, *Implementation of Project LAUNCH: Cross-Site Evaluation Findings, Volume I*, a report prepared at the request of the Department of Health and Human Services, Administration for Children and Families, Office of Planning, Research and Evaluation (Rockville, MD: December 2014); and *Outcomes of Project LAUNCH: Cross-Site Evaluation Findings, Volume II*, a report prepared at the request of the Department of Health and Human Services, Administration for Children and Families, Office of Planning, Research and Evaluation (Rockville, MD: December 2014).

**DOJ.** We identified five program evaluation reports that DOJ published from fiscal years 2015 through 2018 that focused on Native American youth. The National Institute of Justice, DOJ's research, development, and evaluation office, awarded funding for four of these, while OJJDP, in coordination with the Library of Congress, awarded funding for the fifth. See table 1 below for the list of these reports.

**Table 1: Department of Justice (DOJ)-Awarded Program Evaluation Reports That Focused on Native American Youth Published between Fiscal Years 2015 and 2018**

Program evaluation report title	DOJ component office that awarded funding for program evaluation report	Publication date
Cross-Site Evaluation of the Office of Juvenile Justice and Delinquency Prevention Tribal Green Reentry Program: Final Technical Report	Office of Juvenile Justice and Delinquency Prevention	December 2014
Protect, Heal, Thrive: Lessons Learned from the Defending Childhood Demonstration Program	National Institute of Justice	May 2015
Love One Another and Take Care of Each Other: A Process Evaluation of the Rocky Boy's Children Exposed to Violence Project	National Institute of Justice	May 2015
Nawicakiciji-Woasniye-Oaye Waste: A Process Evaluation of the Rosebud Sioux Tribe's Defending Childhood Initiative	National Institute of Justice	June 2015
An Outcome Evaluation of the Defending Childhood Demonstration Program	National Institute of Justice	November 2015

Source: DOJ. | GAO-20-600

As of March 2020, DOJ officials told us that the agency is in the process of implementing Office of Management and Budget guidance related to the Evidence Act but has yet to determine how evaluation activities that focus on Native American youth will factor into DOJ's annual evaluation plan under the act.<sup>48</sup> DOJ has also designated an evaluation officer to coordinate the agency's evidence-building activities, as required by the Evidence Act.

**Education.** We found that Education published one program evaluation from fiscal years 2015 through 2018 for one of the grant programs we identified as relevant for our review. Specifically, Education's Office of Planning, Evaluation, and Policy Development awarded a contract to an organization to conduct a program evaluation on the Native American and

<sup>48</sup>The Office of Management and Budget issued guidance to federal agencies on implementing the Evidence Act in July 2019 that recommended agencies develop annual evaluation plans as a component of an agency's learning agenda. According to this guidance, the creation of learning agendas requires agencies to identify and set priorities for evidence-building, in consultation with various stakeholders. See OMB Memoranda M-19-23 and M-20-12.

Alaska Native Children and School Program, which it published in June 2018.<sup>49</sup> In March 2020, Education officials told us that the agency intends to publish special analyses of services provided for Native American students and by tribal organizations when it is possible to do so, as part of evaluations of Titles I through IV of the *Elementary and Secondary Education Act*, as amended by the *Every Student Succeeds Act*. Education officials also stated that the agency is developing a learning agenda under the Evidence Act, which will seek to develop an understanding of policies and practices that can improve the education and outcomes of different groups of students.<sup>50</sup> As of March 2020, officials also stated that Education is developing an agency-wide evaluation policy, in accordance with the Evidence Act.

**Interior.** Interior's BIE did not conduct or publish any relevant program evaluations from fiscal years 2015 through 2018, citing the bureau's staffing shortages and limited capacity as reasons why it did not do so. However, in March 2020, a BIE official told us that the bureau had recently hired an official to manage the office that administers the Native Language Immersion Cooperative Agreement. This management official told us he has started to meet with contractors to understand the activities they are delivering for the Native Language Immersion Cooperative Agreement. This official also was able to describe the activities the office would need to implement to position itself to conduct evaluations of the grant program, including hiring additional staff; training the staff in evaluation; holding discussions with subject matter experts; and developing an evaluation framework, instrument, and procedures.

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<sup>49</sup>See American Institutes for Research, *Study of the Native American and Alaska Native Children in School Program: FY 2011 and FY 2013 Cohorts*, a report prepared at the request of the Department of Education, Office of Planning, Evaluation, and Policy Development, Policy and Program Studies Service (Washington, D.C.: June 2018). According to Education officials, independent evaluations of agency programs are also conducted through contracts to research firms and overseen by its Institute of Education Sciences. Education's Office of Planning, Evaluation, and Policy Development more recently published the program evaluation focused on Native American youth, entitled "Study of the Implementation of the Title VI Indian Education Formula Grants Program" in October 2019.

<sup>50</sup>Education officials told us that following the passage of the Evidence Act, an Evidence Leadership Group has centrally coordinated the agency's evidence-building agenda. According to officials, this group includes representatives from all of the agency's principal offices and is co-chaired by the agency's evaluation officer and Director of the grants policy office.

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## HHS, DOJ, Education, and Interior Incorporated Almost All Leading Practices We Identified for Performance Measurement or Program Evaluation

### HHS Component Offices Incorporated Almost All Leading Practices We Identified for Performance Measurement

Four of the five HHS component offices that administered selected grant programs incorporated all of the leading practices we identified for performance measurement.<sup>51</sup> A fifth HHS component office, ACF, fully incorporated all but one of the leading practices for performance measurement.<sup>52</sup> Specifically, the Indian Health Service, National Institutes of Health, Office of Minority Health, and the Substance Abuse and Mental Health Services Administration incorporated all 14 leading practices for performance measurement. For example, all four of these HHS component offices incorporated the leading practice of results being reported periodically throughout a program's life cycle by requiring grantees to submit semiannual or annual performance reports as they are implementing their projects as well as final performance reports at the end of their projects. However, we found that although ACF incorporated 13 of the 14 leading practices for performance measurement we identified, the component office did not fully incorporate the leading practice related to assessing grantee performance data for quality and reliability for the Stephanie Tubbs Jones Child Welfare Services Program (see table 2).

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<sup>51</sup>The HHS component offices administered eight of our 15 selected grant programs.

<sup>52</sup>We did not assess the extent to which HHS incorporated leading practices for program evaluation because we did not identify an evaluation report that HHS's Office of the Assistant Secretary for Planning and Evaluation or relevant HHS component offices published from fiscal years 2015 through 2018 that focused on Native American youth. Although ACF published a two-volume program evaluation report on the Project Linking Actions for Unmet Needs in Children's Health program in April 2015, we did not assess the extent to which the HHS component office incorporated leading practices we identified for program evaluation because this report concerned grantees that we determined likely fell outside the scope of our review. Specifically, only seven of the 40 grant recipients were tribal entities, and only one of the 24 grantees on which the findings of these reports were based was a tribal entity. We generally could not determine which findings applied to that tribal entity because these evaluations generally reported findings in the aggregate.

**Table 2: Assessment of Department of Health and Human Services Administration for Children and Families Incorporation of GAO-Identified Leading Practices for Performance Measurement**

Leading practices for performance measurement	Administration for Children and Families
The agency should establish activities to measure performance that compare program achievements to program objectives.	The performance measurement activity incorporated the leading practice.
The agency should have performance plans that outline required performance measurement activities.	The performance measurement activity incorporated the leading practice.
The agency should incorporate risk assessment in its performance measurement activities.	The performance measurement activity incorporated the leading practice.
Performance measurement activities should be aligned with the needs of users of performance information.	The performance measurement activity incorporated the leading practice.
Management should use performance data when making programmatic and operational decisions.	The performance measurement activity incorporated the leading practice.
Results should be clearly communicated to users and stakeholders.	The performance measurement activity incorporated the leading practice.
Results should be reported periodically throughout a program's life cycle.	The performance measurement activity incorporated the leading practice.
Performance goals and measures should cover core program activities and priorities.	The performance measurement activity incorporated the leading practice.
Performance goals and measures should align with agency and/or government-wide priorities.	The performance measurement activity incorporated the leading practice.
Performance goals and indicators should be measurable, objective, and reliable.	The performance measurement activity incorporated the leading practice.
Performance goals and measures should clearly communicate performance targets.	The performance measurement activity incorporated the leading practice.
Performance measures should provide baseline data and measure program progress.	The performance measurement activity incorporated the leading practice.
Data should be assessed for quality and reliability.	The performance measurement activity partially incorporated the leading practice.
The agency should clearly communicate the scope and timing of performance measurement activities to grantees.	The performance measurement activity incorporated the leading practice.

Source: GAO. | GAO-20-600

Officials from the ACF Children's Bureau told us that they do not attempt to independently validate the reliability of tribal grantee performance data for the Stephanie Tubbs Jones Child Welfare Services Program. Children's Bureau officials told us that they have regular communications with tribal grantees and provide technical assistance to them, in addition to reviewing data that grantees of the Stephanie Tubbs Jones Child Welfare Services Program submit in their annual performance reports. However, these officials stated that the Children's Bureau does not attempt to independently validate the reliability of tribal grantee performance data for this program. These officials explained that if, for



example, a tribal grantee submitted notably different performance data from year to year, they would follow up to obtain more information. However, they said they are not required to do so. Officials also said that they do not assess or validate grantee data for the Stephanie Tubbs Jones Child Welfare Services Program because, since the program is a formula grant program, funding decisions for grantees are not tied to performance metrics.<sup>53</sup>

Leading practices for performance measurement we identified include agencies assessing grantee performance data for quality and reliability. Assessing data reliability could include activities such as asking selected questions to grantees or requesting documentation from them about, for example, how they collect data, or grantees' opinion of the quality of the data they are providing, and then reviewing these responses and documents.<sup>54</sup> Developing a process to assess the reliability of tribal grantee performance data for the Stephanie Tubbs Jones Child Welfare Services Program, specifically in the annual performance reports that tribal recipients submit, could help provide the ACF Children's Bureau with further assurance that it has an accurate representation of grantee performance. Furthermore, while grantee performance data will not affect funding decisions for a formula grant program, having such reliable information could enable the ACF Children's Bureau to identify and address any potential grantee programmatic challenges that might emerge.

#### DOJ Component Offices Incorporated All Leading Practices for Performance Measurement and Almost All for Program Evaluation

We found the DOJ component offices in our review incorporated all 14 leading practices for performance measurement we identified and 13 of 14 leading practices for program evaluation. For example, DOJ's Office of Justice Programs, which administered all of the agency's grant programs we selected, incorporated leading practices such as clearly

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<sup>53</sup>As previously mentioned, formula grants are a type of noncompetitive grant that agencies award to grantees based on statistical criteria. Authorizing legislation and regulations usually define the statistical criteria and the funding amount allocated to recipients of formula grants.

<sup>54</sup>Other examples of potential data reliability activities could include testing data for missing, duplicate, or unexpected values or tracing a sample of data records to or from source documents to identify any gaps. See GAO, *Assessing Data Reliability*, [GAO-20-283G](#) (Washington, D.C.: Dec. 16, 2019).

communicating the scope and timing of performance measurement activities to grantees by providing such information in both funding opportunity announcements that invite applicants to apply for federal funding as well as grant award notices.<sup>55</sup> The National Institute of Justice, which funded four of the five program evaluation reports we reviewed, incorporated 13 of the 14 leading practices we identified for program evaluation.<sup>56</sup> For example, the National Institute of Justice incorporated leading practices such as disseminating evaluation findings to stakeholders and the public when possible by posting program evaluation reports onto its publications webpage, as well as submitting the reports for posting to the National Archive of Criminal Justice Data website.<sup>57</sup> However, the agency did not fully incorporate the leading practice for program evaluation we identified related to ensuring that program evaluation reports include a discussion of their limitations. See table 3 below for more details.

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<sup>55</sup>DOJ's Office of Justice Programs administered three of our 15 selected grant programs. According to Grants.gov, a notice of award is the official and legally binding issuance of award funding that obligates grantees to carry out the terms and conditions of the grant program.

<sup>56</sup>Although OJJDP awarded funding for one of the program evaluation reports that we identified as relevant for this review, we did not assess its program evaluation practices at the component office level because DOJ officials informed us that OJJDP's research unit that funded program evaluation reports had disbanded and transferred its functions to the National Institute of Justice in the summer 2018.

<sup>57</sup>The mission of the National Archive of Criminal Justice Data, located at the University of Michigan, is to archive and disseminate data on criminal justice issues. Various DOJ offices, such as the Bureau of Justice Statistics, the National Institute of Justice, and OJJDP sponsor the National Archive of Criminal Justice Data.

**Table 3: Assessment of the Department of Justice National Institute of Justice’s Incorporation of GAO-Identified Leading Practices for Program Evaluation**

Leading practices for program evaluation	GAO Assessment
The agency should have evaluation plans.	The program evaluation activity incorporated the leading practice.
The agency should have written policies to guide evaluation activities and establish quality standards.	The program evaluation activity incorporated the leading practice.
Evaluation policies should require evaluators to have the necessary knowledge and competencies for the evaluation.	The program evaluation activity incorporated the leading practice.
Evaluation policies should have ethical behavior guidelines, including ensuring evaluator independence.	The program evaluation activity incorporated the leading practice.
Evaluation findings should be disseminated to stakeholders and the public, when possible.	The program evaluation activity incorporated the leading practice.
Management should use evaluation findings to make programmatic and operational decisions.	The program evaluation activity incorporated the leading practice.
Management should use evaluations to identify innovative or promising practices.	The program evaluation activity incorporated the leading practice.
Evaluators should involve a full range of stakeholders in the planning process.	The program evaluation activity incorporated the leading practice.
Evaluation should use the most rigorous methods appropriate to the questions and context.	The program evaluation activity incorporated the leading practice.
Evaluation questions should be feasible, relevant, clearly defined, and measureable.	The program evaluation activity incorporated the leading practice.
Data should be assessed for quality and reliability.	The program evaluation activity incorporated the leading practice.
The evaluation’s conclusions should be supported by the findings.	The program evaluation activity incorporated the leading practice.
The criteria and measures should be observable and appropriate to the evaluation questions.	The program evaluation activity incorporated the leading practice.
The evaluation report should include a discussion of the study’s limitations.	The program evaluation activity partially incorporated the leading practice.

Source: GAO. | GAO-20-600

Two National Institute of Justice-funded program evaluation reports, both published in 2015, did not include a discussion of possible limitations related to their questions, methods, findings, or conclusions. However, since 2017, the National Institute of Justice has included in its final research report guidelines that reports should include a discussion of limitations. In March 2020, DOJ officials confirmed that the National Institute of Justice attaches a special condition to its research, evaluation, and development-related awards directing grantees to use the final research report guidelines on the National Institute of Justice website. The special condition states that the National Institute of Justice expects

grantees to contact their grant manager if they have any question or need clarification regarding the form and content of their final research report.

### Education Component Offices Incorporated All Leading Practices We Identified for Performance Measurement and Program Evaluation

Education component offices incorporated all the leading practices we identified for performance measurement and program evaluation. Specifically, the Office of Elementary and Secondary Education and the Office of English Language Acquisition, which administered three of our selected 15 grant programs, incorporated all 14 leading practices for performance measurement. For example, both offices incorporated the leading practice of employing risk assessment into their performance measurement activities by using an agency-wide tool that provides administrative, financial, and internal control information on discretionary grantees to determine if they have a low, elevated, or significant potential risk in these domains. The agency then proposed various mitigation strategies for addressing the potential administrative, financial, or internal control risk that a grantee might pose. Additionally, Education's Office of Planning, Evaluation, and Policy Development, which published the agency's program evaluation on the Native American and Alaska Native Children in School Program, incorporated the 14 leading practices we identified for program evaluation. For example, the Office of Planning, Evaluation, and Policy incorporated the leading practice of having policies to guide evaluation activities and establish quality standards by developing guidance in November 2017 that lists and describes in detail the five quality standards that all office-funded program evaluations must meet.<sup>58</sup>

### Interior's BIE Incorporated Most but Not All Leading Practices We Identified for Performance Measurement

BIE fully incorporated 11 of the 14 leading practices we identified for performance measurement.<sup>59</sup> For example, BIE incorporated the leading practice we identified that a program's performance goals and measures

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<sup>58</sup>These five quality standards include (1) relevant, (2) accurate, (3) objective, (4) comprehensive, and (5) clear.

<sup>59</sup>We did not assess the extent to which BIE incorporated leading practices for program evaluation because we did not identify an evaluation report it published from fiscal years 2015 through 2018 that focused on Native American youth.

should align with agency- or government-wide priorities for the one relevant Interior grant program in our review—the Native Language Immersion Cooperative Agreement. Specifically, officials told us that BIE issued the funding opportunity announcement to invite applicants to apply for grant program funding as part of a broader government effort to supplement Native language programs that Education and HHS already implement.<sup>60</sup> However, we also found that BIE did not fully incorporate three leading practices we identified for performance measurement related to using performance data when making programmatic and operational decisions, reporting results throughout a program’s life cycle, and assessing performance data for quality and reliability (see table 4 below for more details).

**Table 4: Assessment of the Department of the Interior Bureau of Indian Education’s Incorporation of GAO-Identified Leading Practices for Performance Measurement**

Leading practices for performance measurement	Bureau of Indian Education
The agency should establish activities to measure performance that compare program achievements to program objectives.	The program evaluation activity incorporated the leading practice.
The agency should have performance plans that outline required performance measurement activities.	The program evaluation activity incorporated the leading practice.
The agency should incorporate risk assessment in its performance measurement activities.	The program evaluation activity incorporated the leading practice.
Performance measurement activities should be aligned with the needs of users of performance information.	The program evaluation activity incorporated the leading practice.
Management should use performance data when making programmatic and operational decisions.	The program evaluation activity partially incorporated the leading practice.
Results should be clearly communicated to users and stakeholders.	The program evaluation activity incorporated the leading practice.
Results should be reported periodically throughout a program’s life cycle.	The program evaluation activity partially incorporated the leading practice.
Performance goals and measures should cover core program activities and priorities.	The program evaluation activity incorporated the leading practice.
Performance goals and measures should align with agency- and/or government-wide priorities.	The program evaluation activity incorporated the leading practice.
Performance goals and indicators should be measurable, objective, and reliable.	The program evaluation activity incorporated the leading practice.
Performance goals and measures should clearly communicate performance targets.	The program evaluation activity incorporated the leading practice.

<sup>60</sup>We identified Education’s Native American Language Program and HHS’s Native American Language Preservation and Maintenance - Esther Martinez Immersion grant programs, both of which focus on Native languages, as relevant for our review.

Performance measures should provide baseline data and measure program progress.	The program evaluation activity incorporated the leading practice.
Data should be assessed for quality and reliability.	The program evaluation activity partially incorporated the leading practice.
The agency should clearly communicate the scope and timing of performance measurement activities to grantees.	The program evaluation activity incorporated the leading practice.

Source: GAO. | GAO-20-600

**Using performance data when making programmatic and operational decisions.** Although BIE uses grantee performance data from the Native Language Immersion Cooperative Agreement to make operational decisions, such as planning site visits to grantees, it has not used information to make programmatic decisions, such as the possible redesign or reallocation of resources within the grant program. In January 2020, BIE officials explained that they have received a final-year performance report from only one grantee thus far and that they plan to use grantee performance data to inform programmatic decisions once they collect all the grantees' final-year performance reports. In addition, as of April 2020, a BIE official stated that the BIE performance office anticipates working with the office that administers the Native Language Immersion Cooperative Agreement in identifying performance metrics and designing an effective system of data collection, management, and analysis to facilitate data-informed decision-making for the program.

**Reporting results throughout a program's life cycle.** BIE did not collect performance reports from its Native Language Immersion Cooperative Agreement program grantees in a timely manner. Specifically, BIE mandated that grantees submit quarterly performance reports no later than 30 days after the end of each quarter in their project's period of performance. However, we found that at least two fiscal year 2017 grantees of this grant program had not submitted their first- or second-quarter performance reports until the period when their third-quarter performance reports were due. Additionally, the Interior officials managing the grant program did not alert the grantees that they were late in submitting their quarterly performance reports until the third quarter of their projects' period of performance. According to a BIE program official, staffing shortages made it difficult for the bureau to follow up with grantees in a timely manner. Specifically, the official told us that BIE had unexpectedly received funding to implement the Native Language Immersion Cooperative Agreement and, given the staffing shortages, lacked the support staff to manage it that other BIE grant programs have. In March 2019, we reported on BIE staffing gaps in our 2019 High Risk Report, including that about 50 percent of all BIE

positions had not been filled. However, we also reported that BIE had made some progress in increasing bureau capacity by, for example, hiring a full-time program analyst to coordinate the bureau's working group and help oversee the implementation of recommendations described in our 2019 High Risk report.<sup>61</sup>

One leading practice we identified for performance measurement states that agencies should ensure that grantees report performance results periodically throughout the life cycle of a grant program. Given BIE's ongoing staffing gaps, taking steps to alert Native Language Immersion Cooperative Agreement grantees when they are late in submitting performance reports could help the bureau ensure that grantees are complying with the terms and conditions of the grant program. Doing so could also help BIE officials respond in a timely manner to any performance issues during the life cycle of the grant program.

**Assessing performance data for quality and reliability.** We also found that BIE did not conduct formal data reliability checks on the performance data that grantees report for the Native Language Immersion Cooperative Agreement grant program. Officials explained in October 2019 that although they pair grantee performance reports with conference calls to check on the work grantees are doing and reporting on, due to limited information system and data management capacity, they could not conduct formal data reliability checks on grantee performance data. As of April 2020, BIE has taken steps to increase its data management capacity. Specifically, a BIE official stated that the bureau had appointed him as chief performance officer and hired two additional officials with data system expertise in February 2020 to staff a performance office. Among the responsibilities of the BIE performance office, according to this official, are managing a bureau-wide data governance board, reviewing an inventory of bureau data systems, and ensuring the integrity of these systems. This official also stated that he anticipates that the BIE performance office will assist the office that administers the Native Language Immersion Cooperative Agreement in identifying performance metrics and designing an effective system of data collection, management, and analysis.

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<sup>61</sup>The recommendations described in the 2019 High Risk Report for BIE relate to, among other things, addressing its capacity issues. For example, we reported that the bureau had not yet completed a workforce plan to address staffing and training gaps, which we previously recommended and Interior's Office of the Assistant Secretary for Indian Affairs concurred with. See [GAO-19-157SP](#), 129-130.

A leading practice we identified for performance measurement states that agencies should assess grantee performance data for quality and reliability. As previously mentioned, assessing data reliability could include activities such as asking selected questions to grantees or requesting documentation from them about how they collect data or grantees' opinion of the quality of the data they are providing, and then reviewing these responses and documents. As the BIE performance office continues enhancing the bureau's data management capacity, developing a process to assess the reliability of a sample of grantee performance data for the Native Language Immersion Cooperative Agreement could help BIE better understand how the program and its grantees are performing.

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## Tribal Officials Cited Certain Risk Factors and Difficulties Implementing Programs among Challenges to Preventing or Addressing Juvenile Delinquency

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### Tribal Officials Cited Substance Misuse and Educational Challenges among the Risk Factors That Contribute to Juvenile Delinquency in Their Communities

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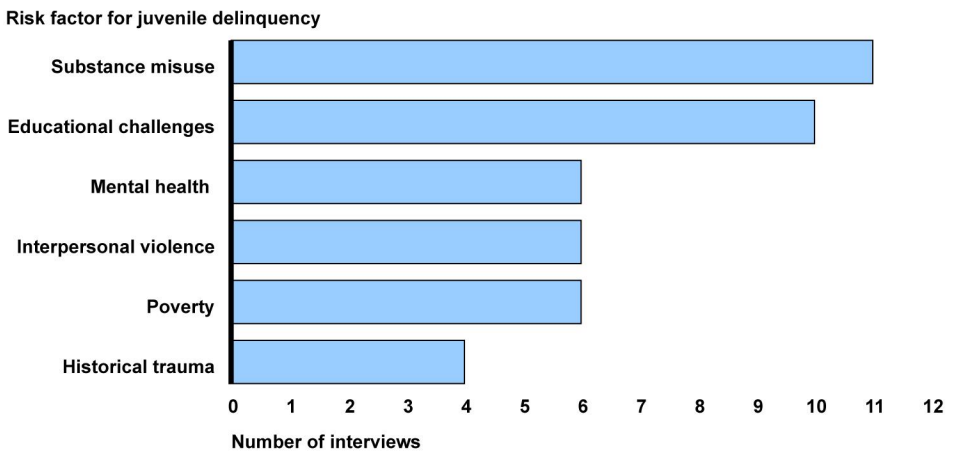
Officials from all 12 interviews we conducted with tribes or tribal consortia (tribal officials) cited risk factors that contribute to juvenile delinquency in their communities, such as substance misuse, difficulties youth encounter in the educational system, and mental health issues.<sup>62</sup> See figure 6 below for more information on the most common risk factors tribal officials cited.

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<sup>62</sup>As mentioned earlier, an OJJDP literature review identified risk factors for tribal youth that could contribute to a higher likelihood of contact with the criminal justice system, including historical trauma, violence, suicide, substance misuse, and lack of cultural instruction.



**Figure 6: Number of Interviews in Which Officials from Selected Tribes or Tribal Consortia Cited Various Risk Factors That Contribute to Juvenile Delinquency**



Source: GAO analysis of interviews with officials from federally recognized tribes and tribal consortia. | GAO-20-600

Note: The figure includes the most common risk factors for juvenile delinquency described by tribal officials.

Substance misuse

Tribal officials in 11 of the 12 interviews said that substance misuse was a contributing factor to juvenile delinquency in their communities. They cited underage alcohol use, marijuana use, and opioid use as examples of substance misuse. For example, an official from a tribal consortium noted that marijuana use was a major juvenile delinquency issue. According to the official, state legalization of medical marijuana made the drug easier for youth to access and led to more widespread usage among youth. Additionally, officials from a tribe in Minnesota noted that the opioid epidemic created instability for youth, as their caretakers or parents were absent from the home due to arrest or being in a substance abuse treatment program.

Educational challenges

Tribal officials in 10 of the 12 interviews also told us that Native American youth encounter challenges in the educational system and cited examples such as truancy, bullying, and lack of culturally sensitive instruction within their schools. For example, an official from a tribe in Minnesota mentioned truancy as the most pressing of the educational challenges facing his community. The official noted that over 50 percent of students in the reservation’s school district had truancy issues. In addition, an

official from a tribe in California told us that many youth end up back in the justice system because they do not want to admit that they cannot read or write and, therefore, cannot complete required parole or probation programs. The tribe has addressed this issue by enabling these youth to complete assignments using dictation programs on their phones.

### Mental health

Tribal officials in six of the 12 interviews cited mental health issues, which included limited access to mental health services and providers, undiagnosed mental illness, and high suicide rates. For example, an official from a tribe in California mentioned that a survey of middle and high school students in her community showed that 30 percent of respondents had contemplated suicide. In addition, officials from a tribe in Minnesota said that in remote areas it is difficult to hire and retain mental health providers and for individuals to get a diagnostic screening. Furthermore, an official participating in a discussion group of DOJ Coordinated Tribal Assistance Solicitation Purpose Area 9: Tribal Youth Program grantees in California (California discussion group) noted the difficulty of connecting youth to behavioral health services and helping family members recognize the signs of mental illness.

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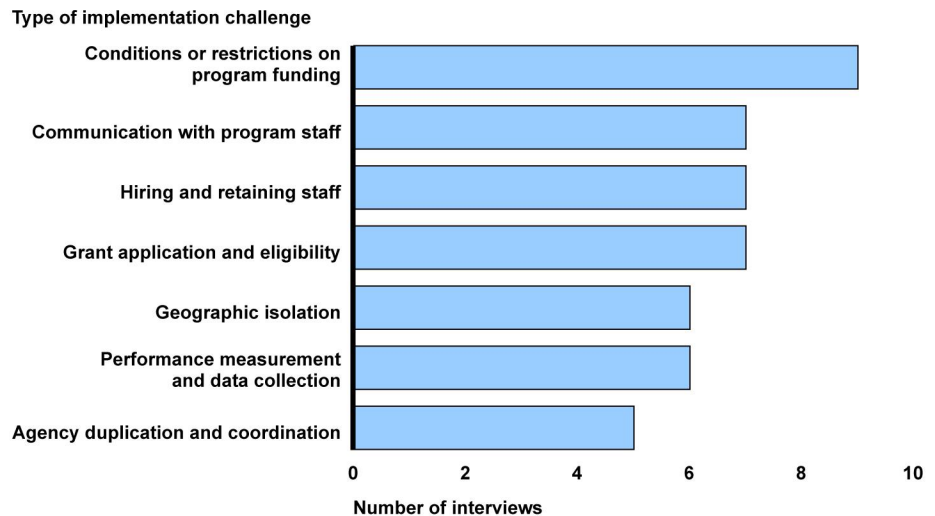
### Tribal Officials Cited Conditions or Restrictions on Program Funding and Difficulties Communicating with Agencies among the Barriers to Implementing Federal Programs

Tribal officials in 11 of the 12 interviews we conducted cited barriers to implementing federal programs, such as conditions or restrictions on how tribes may use program funding and communication challenges with agencies as well as hiring and retaining qualified program staff.<sup>63</sup> See figure 7 below for more details on the specific challenges in implementing federal programs that officials cited in our interviews.

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<sup>63</sup>In [GAO-18-591](#), we discussed challenges tribal officials face when applying for federal grant programs, including short applications windows, trouble collecting data for grant applications, and difficulty hiring grant writers. In this report, we focus on challenges tribal officials face implementing federal grant programs.

**Figure 7: Number of Interviews in Which Officials from Selected Tribes or Tribal Consortia Cited Various Challenges Implementing Federal Programs**



Source: GAO analysis of interviews with officials from federally recognized tribes and tribal consortia. | GAO-20-600

Note: The figure includes the most common challenges implementing federal programs described by tribal officials.

### Conditions or restrictions on program funding

Tribal officials from nine of the 12 interviews noted that the federal government places conditions or restrictions on the use of federal funding. For example, officials from a tribe in Oklahoma noted that federal limitations on using certain funding streams for religious practices hinders their ability to provide culturally based interventions in therapeutic settings.<sup>64</sup> Likewise, these officials stated that restrictions on how disparate federal funding streams can be combined prevent treatment facilities from providing wraparound social services to address complex

<sup>64</sup>In general, entities that receive federal funding may not use funds for explicitly religious activities such as worship, prayer, and proselytizing, and services offered by these entities must be provided to qualified beneficiaries regardless of the religious or nonreligious belief of the individuals. See, e.g., 28 C.F.R. § 38.5; 34 C.F.R. § 76.52; 42 C.F.R. § 54a.4; 45 C.F.R. § 87.3. However, the *American Indian Religious Freedom Act* provides that federal policy is to protect and preserve for American Indians their right to exercise their religion. See 42 U.S.C. § 1996. Education officials reported that, pursuant to this policy, agencies generally are to consider their policies and procedures with the aim of protecting Indian religious freedom.

behavioral health issues.<sup>65</sup> Moreover, officials from another tribal consortium felt that federal funding levels are too static to meet the increasing demand for justice services resulting from growing arrest rates in their communities. Finally, an official who participated in a discussion group in New Mexico at a child welfare conference (New Mexico discussion group) told us that not being able to provide food for events when using federal funding makes it challenging to generate attendance.<sup>66</sup>

### Communication with program staff

Tribal officials in seven of the 12 interviews cited communication challenges with federal officials as a barrier to implementing federal programs. Specifically, these officials mentioned communication challenges, such as late or infrequent responses from federal officials as well as difficulty using web-based platforms to upload performance data and supporting documentation due to poor internet access. For example, an official from a tribe in Alaska noted that her tribe's DOJ program manager for one of its grants was either not available or accessible to answer questions, prompting the tribe to draw upon former DOJ program managers they had experience with for advice and support.

### Hiring and retaining staff

According to tribal officials in seven of the 12 interviews, difficulty hiring and retaining program staff posed a barrier to implementing federal programs. Officials from one tribal consortium noted difficulty finding social workers who can provide support services for youth in rural areas. Officials from a tribe in Oklahoma noted the difficulty of hiring the staff—ranging from corrections officers to social workers—needed to provide wraparound social services that could address juvenile delinquency. Similarly, officials from a tribe in New Mexico told us that job vacancies for their federally funded programs can sometimes remain unfilled for

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<sup>65</sup>According to OJJDP, “wraparound is a youth-guided, family driven team planning process that provides coordinated and individualized community-based services for youths and their families to help them achieve positive outcomes... rather than forcing them to enroll in pre-determined, inflexible treatment programs.” Office of Juvenile Justice and Delinquency Prevention, *Literature Review: A Product of the Model Programs Guide—Wraparound Process* (Washington, D.C.: last updated April 2014).

<sup>66</sup>Although federal funds are generally not available to pay for food, food purchases for events may be permitted under certain circumstances.

years. Furthermore, an official who participated in the New Mexico discussion group told us that her tribe needs to hire non-Native American experts when implementing grant programs due to a lack of qualified Native American experts. She said this can be a challenge because non-Native American experts may lack cultural sensitivity and be reluctant to assimilate to the tribe's culture.<sup>67</sup> We also asked officials in the New Mexico discussion group how many of their tribes employed a dedicated grant writer, and only two out of 17 participants indicated they did.

### Positive experiences with federal programs

Tribal officials in seven of the 12 interviews also mentioned positive experiences in implementing federal programs. For example, officials from a tribe in Minnesota said that as a result of the tribe's strong working relationship with their program manager from Interior's Bureau of Indian Affairs, they had successfully used funding to build upon their tribe's juvenile justice data infrastructure. Moreover, officials from a tribe in New Mexico mentioned the positive experiences they had working with their program managers for the HHS Indian Health Service's Methamphetamine and Suicide Prevention Initiative grant program and generally felt that the federal funding they had received was helping to prevent juvenile delinquency. Finally, officials from a tribal consortium in Oklahoma said they had overwhelmingly positive and consistent support from DOJ program staff as part of an OJJDP grant program. Officials from one tribe in the consortium used the OJJDP grant to develop a Juvenile Healing to Wellness Court. Wellness courts are special court dockets that can combine judicial supervision, substance abuse treatment, case management, and drug testing, along with incentives and sanctions to help individuals with substance use disorders.

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### Tribal Officials Cited Justice System-Related Challenges as Barriers to Preventing or Addressing Juvenile Delinquency

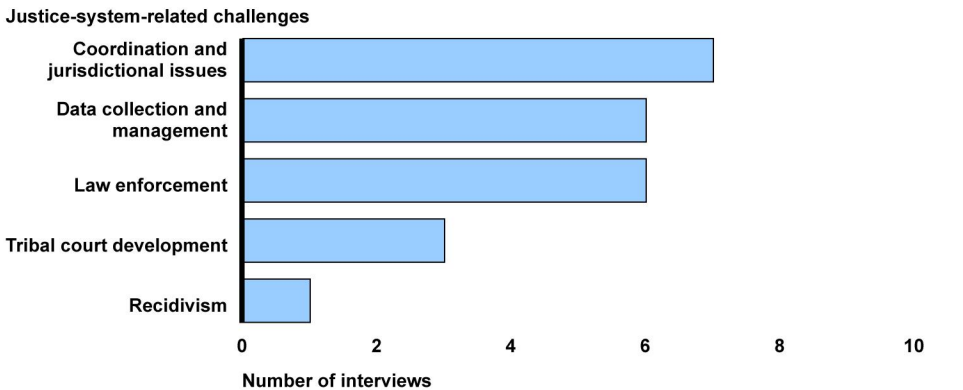
In all 12 interviews that we conducted, tribal officials cited justice system-related challenges, which included coordination and jurisdictional issues,

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<sup>67</sup>The *Indian Self-Determination and Education Assistance Act*, as amended, requires that federal grants to Indian organizations or grants for the benefit of Indians must require to the greatest extent feasible preferences and opportunities for training and employment in connection with administering the grant to be given to members of federally recognized tribes. 25 U.S.C. § 5307(b)(1).

difficulty collecting accurate criminal justice and other types of data in their communities, and law enforcement-related concerns. See figure 8 below for more information on justice-system-related challenges officials cited.

**Figure 8: Number of Interviews in Which Officials from Selected Tribes or Tribal Consortia Cited Various Justice System-Related Challenges to Preventing or Addressing Juvenile Delinquency**



Source: GAO analysis of interviews with officials from federally recognized tribes and tribal consortia. | GAO-20-600

Note: The figure includes the most common justice system-related challenges described by tribal officials.

Coordination and jurisdictional issues

Tribal officials in seven of the 12 interviews cited coordination and jurisdictional issues such as difficulties interacting with state and local justice systems. For example, officials from a tribe in New Mexico told us that despite the state’s tribal notification process that requires nontribal law enforcement to identify Native American children taken into custody, the tribe had not been notified of an ongoing criminal case involving a child from their tribe.<sup>68</sup> These officials also noted that they have had to arrange regular meetings with state juvenile justice officials to ensure that the notification requirements were followed. Officials from a California tribe also told us that the tribe’s relationship with local law enforcement has experienced challenges in recent years. The official indicated that although state and local law enforcement agencies have jurisdiction over

<sup>68</sup>New Mexico law requires nontribal law enforcement to identify Native American children taken into custody and contact the children’s tribes in delinquency cases. N.M. Stat. § 32A-2-5.

major crimes in Indian country in California, the tribe wants outside law enforcement to better recognize and respect its sovereignty.<sup>69</sup>

### Data collection

Tribal officials in six of the 12 interviews we conducted noted the difficulty of collecting justice-system-related data. For example, an official from a tribe in California mentioned that the state of California does not document the Native American status or tribal affiliation of juveniles during intake.<sup>70</sup> This official added that tracking the tribe's youth population in the California State juvenile justice system requires manually checking two databases and relying on name recognition, making it difficult for tribal officials to identify juvenile delinquency trends in their communities. Officials who participated in the New Mexico discussion group also mentioned data collection concerns. For example, one official stated that sharing data about tribal communities is difficult because of stipulations within the Health Insurance Portability and Accountability Act (HIPAA), which requires the confidential handling of protected health care information. The official added that tribes are starting to work on their internal laws regarding sharing data about their citizens. Another official who participated in the New Mexico discussion group acknowledged the need to improve data about tribal communities but said that federal agencies need to do a better job of listening to tribes, who are the owners of the data.

### Law enforcement

Tribal officials in six of the 12 interviews cited law enforcement challenges, specifically resource constraints on tribal law enforcement, difficulty establishing positive relationships with nontribal law enforcement agencies, and difficulty training and retaining tribal law enforcement officers. For example, officials from a tribe in New Mexico noted their community's difficulty in providing the resources to sustain an effective police force and mentioned that the tribe had only four police cars but did

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<sup>69</sup>Public Law 280 gave certain states—Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin—criminal jurisdiction over offenses committed by or against Indians in Indian country, except as specified in statute, and renounced federal jurisdiction in Indian country in those states. 18 U.S.C. § 1162.

<sup>70</sup>According to OJJDP, intake is the process by which the juvenile probation department or the prosecutor's office, when receiving a juvenile delinquency case referral, decides to dismiss the case, handle the matter informally, or request formal intervention by the juvenile court.

not have the proper equipment to operate them. In addition, officials representing a tribal consortium said it was difficult to retain officers with special certifications, such as canine and drug specialties, because certified officers often leave for better-paid positions elsewhere.

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### Tribal Officials Most Often Cited Ability to Implement Culturally Relevant Programs as a Promising Practice for Preventing or Addressing Juvenile Delinquency

Officials in all 12 interviews we conducted with tribes or tribal consortia cited promising practices for preventing or addressing juvenile delinquency. Specifically, tribal officials in eight of the 12 interviews cited culturally relevant programs as being a promising practice for preventing or addressing juvenile delinquency in their communities. According to these officials, culturally relevant programs can consist of traditional spiritual, linguistic, and artistic practices and reflect tribal values around intergenerational connection and family engagement. Officials from a tribe in New Mexico said they use a prevention approach with these types of programs. They said, while not directly focused on delinquency, these programs allow children to get away from problems at home and strengthen their cultural identity. In addition, an official from a tribe in Alaska noted the success of her community's cultural summer camp, which gave youth the opportunity to engage in traditional music, arts, and dance activities and connect with their tribal identity. Finally, an official in the California discussion group noted the importance of incorporating traditional beliefs and experiences in all their youth programming, such as offering bilingual and bicultural rites of passage.

In addition, officials from tribes in New Mexico and California described community interventions for juvenile offenders that incorporated traditional values around justice and mediation. For example, a tribe in New Mexico has historically had numerous "informal" sheriffs that conduct interventions with parents in cases of juvenile delinquency. Overall, officials said the tribe's law enforcement officials emphasize community policing, such as by interacting with youth outside the justice system through shopping trips or riding go-carts. Officials from a tribe in California used funding from the OJJDP Juvenile Healing to Wellness Court grant program to provide a space to focus on restorative, rather than punitive, justice. In the tribe's wellness court, children meet with a jury of their peers composed of youth who have already completed the program. The jury listens to cases and chooses sentences from a range of options, which could include solutions such as an apology letter, raising their



grades, or community service. Officials said an important part of the program includes having a follow-up officer to ensure that the youth meet the terms of their sentences.

Officials in seven of the 12 interviews we conducted also noted partnering with state and local stakeholders, such as nontribal justice systems, state governments, and public schools in their communities, as a promising practice. For example, a California tribal official told us that her tribe successfully established a memorandum of understanding with their nearest county court system, which allowed tribal officers to be trained and serve in county courts. In addition, officials from a tribal consortium noted they are partnering with a state government to create an intertribal committee to address tribal juvenile justice issues in the region, particularly in the area of data collection.

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## Conclusions

Some Native American youth face challenges such as historical trauma, exposure to violence, substance abuse, and high poverty rates, which, along with tribal communities' lack of funding for mental health and other services, make them susceptible to becoming involved with the justice system. HHS, DOJ, Education, and Interior administered grant programs targeted to tribes from fiscal years 2015 through 2018 that could prevent or address juvenile delinquency. HHS administers grant programs that target challenges that some Native American youth face, such as substance misuse and limited access to child and family behavioral health specialists.

While these agencies incorporated almost all leading practices we identified for performance measurement or program evaluation of grant programs, we identified opportunities for improvement that could help them better assess the performance of selected programs. In particular, HHS's Administration for Children and Families does not assess the reliability of grantee performance data contained within annual performance reports that tribal recipients submit for the Stephanie Tubbs Jones Child Welfare Services Program. While assessing the reliability of tribal grantee performance data is not a requirement for this program, developing a process to do so could help provide the Administration for Children and Families further assurance that it has an accurate representation of tribal grantee performance and improve its ability to identify any potential programmatic challenges that might emerge.

Since fiscal year 2017, Interior's Bureau of Indian Education has not consistently alerted some grantees of the Native Language Immersion Cooperative Agreement when they are late in submitting performance reports. Taking steps to alert grantees of the program when they are late in submitting performance reports could help the bureau ensure that grantees are complying with program requirements. This could also position the bureau to respond in a timely manner to any performance issues during the life cycle of the grant program as it continues to address its staffing challenges. The bureau could also better understand how grantees of the Native Language Immersion Cooperative Agreement are performing by developing a process to assess the reliability of a sample of grantee performance data.

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## Recommendations for Executive Action

We are making three recommendations, including one to HHS and two to Interior's Bureau of Indian Education.

The Associate Commissioner of the Administration for Children and Families Children's Bureau within the Department of Health and Human Services should develop a process to assess the reliability of grantee performance information contained within annual performance reports for tribal recipients of its Stephanie Tubbs Jones Child Welfare Services Program. (Recommendation 1)

The Director of the Department of the Interior's Bureau of Indian Education should take steps to alert grantees of the Native Language Immersion Cooperative Agreement when they are late in submitting performance reports. (Recommendation 2)

The Director of the Department of the Interior's Bureau of Indian Education should develop a process to assess the quality and reliability of a sample of grantee performance data for the Native Language Immersion Cooperative Agreement. (Recommendation 3)

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## Agency Comment and Our Evaluation

We provided a draft of this product to DOJ, HHS, Interior, and Education for review and comment. DOJ told us that they had no comments on the draft report. We received comments from HHS, which we have reproduced in appendix IV. In its comments, HHS disagreed with our

recommendation. We also received comments from Interior, which we have reproduced in appendix V. In its comments, Interior agreed with the two recommendations we made to the agency and described actions planned to address them. Additionally, we received comments from Education, which we have reproduced in appendix VI. In its comments, Education expressed two areas of concerns with the draft product. Education also provided technical comments, which we incorporated as appropriate.

In its comments, HHS stated that it did not concur with our recommendation. Specifically, HHS stated that statutorily mandated performance measurement requirements for the Stephanie Tubbs Child Welfare Services Program do not apply to tribal recipients. As we noted in the report, officials from the HHS ACF Children's Bureau told us that they do not attempt to independently validate the reliability of tribal grantee performance data for the Stephanie Tubbs Jones Child Welfare Services Program because they are not required to do so and because funding decisions for grantees are not tied to performance metrics. However, we maintain that assessing the reliability of grantee performance information from tribal recipients could help provide the ACF Children's Bureau further assurance that it has an accurate representation of grantee performance.

HHS also stated that the ACF Children's Bureau's joint planning process with tribes to develop a plan to implement the Stephanie Tubbs Jones Child Welfare Services Program is sufficient to assess the reliability of grantee performance information and that any additional activities would be overly burdensome and resource intensive. Pursuant to federal regulations, the joint planning process is to involve discussions, consultation, and negotiation between ACF and the tribes in areas such as identifying needs and developing goals and objectives that will result in improving outcomes.<sup>71</sup>

We acknowledge HHS's statement that this joint process may be used to assess the reliability of any grantee performance information, generally. However, assessing grantee performance information for tribal recipients contained within annual performance reports, specifically, is important since these reports are where tribal recipients provide updates on the progress they made toward the goals and objectives set forth during the joint planning process. Therefore, we continue to believe that the

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<sup>71</sup>45 C.F.R. § 1357.10(c).

recommendation is warranted. However, we modified the recommendation to clarify that the ACF Children's Bureau should assess the grantee performance information that is contained within their annual performance reports for tribal recipients of the Stephanie Tubbs Jones Child Welfare Services Program. Recognizing HHS's resources concerns, we maintain that asking tribal recipients to describe how they collect data or obtaining their opinions on the quality of the data in their annual performance reports and then reviewing these responses could be a cost-effective way to assess performance information. Developing a process to assess the reliability of performance information in the annual reports could help HHS better understand the program and grantee performance.

Regarding Interior, the agency concurred with our recommendation that BIE should take steps to alert grantees of the Native Language Immersion Cooperative Agreement when they are late in submitting performance reports. In its comments, Interior noted that BIE, in general, and the office that administers the program, specifically, faces human capital challenges. However, Interior stated that as the Native Language Immersion Cooperative Agreement matures and the office that administers the program fills critical positions, BIE anticipates that the issue of timely and regular performance reporting will be addressed. In our report, we noted that BIE faces ongoing staffing gaps. Even as the program is maturing, we maintain that taking steps to alert Native Language Immersion Cooperative Agreement grantees when they are late in submitting performance reports could help the bureau ensure that grantees are complying with the terms and conditions of the grant program. Doing so could also help BIE officials respond in a timely manner to any performance issues during the life cycle of the grant program.

Regarding our second recommendation to Interior, the agency concurred that BIE should develop a process to assess the quality and reliability of a sample of grantee performance data for the Native Language Immersion Cooperative Agreement. In its comments, Interior stated that the BIE performance office will be tasked with assisting the office that administers the program in inventorying, reviewing, and improving data collection and analysis. Additionally, Interior stated that, as part of this work of improving data collection and analysis, BIE anticipates that the Native Language Immersion Cooperative Agreement program will develop a process to assess the quality and reliability of data. If this process is implemented effectively, we believe that these actions would be positive steps toward addressing our recommendation. To fully address our recommendation, it will be important for BIE to take steps to develop a process to assess the

reliability of a sample of grantee performance data for the Native Language Immersion Cooperative Agreement even as the BIE performance office continues to enhance the bureau's data management capacity.

Regarding Education, the agency raised two areas of concern in its comments. First, Education noted that the use of the term "delinquency" in the report has pejorative implications and does not appear appropriate when referencing programs that are not intended to address delinquency. We note that our use of the term "delinquency" in reference to grant programs that could prevent or address delinquency is consistent with our September 2018 report on Native American youth involvement in the justice system.<sup>72</sup> In our report, we selected grant programs (1) whose summary descriptions or purposes explicitly mentioned tribes or Native Americans as beneficiaries and (2) whose activities related to the risk or protective factors discussed in the OJJDP Tribal Youth in the Juvenile Justice System literature review, among other criteria, as relevant for this review. Similarly, the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, defines "juvenile delinquency program", in part, as "any program or activity designed to reduce known risk factors for juvenile delinquent behavior, provides activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior".<sup>73</sup>

Second, Education expressed concern with the use of the phrase "Grant Programs Addressing Delinquency" in the title of our draft report because it believed that such a title implies that the purpose of each of the programs listed in the report is to address the topic of delinquency. Education stated that addressing delinquency is not the purpose of its grant programs and the agency's mission, generally. Instead, Education stated that the purpose of its grant programs and its agency mission is to improve educational opportunities, access, and equity for all children, including Native American students. In response, we modified the title of the report to emphasize our focus on federal grant programs that could prevent or address delinquency. We also added a statement in the report noting that while the Education programs cited in the report could potentially reduce student interactions with the justice system, doing so is not the statutory purpose of these programs.

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<sup>72</sup>For example, see [GAO-18-591](#), 2.

<sup>73</sup>See 34 U.S.C. § 11103(3).

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We are sending copies of this report to the appropriate congressional committees, the Attorney General, Secretary of Health and Human Services, Secretary of the Interior, and Secretary of Education, as well as other interested parties. In addition, the report will be available at no charge on the GAO website at <http://www.gao.gov>.

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If you or your staff have any questions about this report, please contact me at (202) 512-8777 or [goodwing@gao.gov](mailto:goodwing@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix VII.

A handwritten signature in black ink, reading "Gretta L. Goodwin". The signature is fluid and cursive, with the first name "Gretta" being the most prominent.

Gretta L. Goodwin  
Director, Homeland Security and Justice

# Appendix I: Objectives, Scope, and Methodology

This report addresses (1) the extent to which federal agencies provided financial assistance targeted to tribes that could help prevent or address delinquency among American Indian or Native Alaskan (Native American) youth; (2) the extent to which federal agencies assess the performance of selected grant programs that could help prevent or address delinquency among Native American youth and incorporate leading practices we identified when doing so; and (3) delinquency issues selected tribes report encountering within their communities and the types of challenges they face, if any, in preventing or addressing these issues.

To address the first objective, we identified relevant federal financial assistance available from fiscal years 2015 through 2018,<sup>1</sup> which included discretionary grants and cooperative agreements as well as formula grants (collectively referred to as grant programs).<sup>2</sup> To identify these grant programs, an analyst conducted a keyword search of “youth or juvenile” in Grants.gov—an online repository that houses information on over 1,000 different programs across federal agencies—as well as agencies’ websites. With the Grants.gov keyword search, the analyst specifically selected results within the following federal agencies that administered the overwhelming majority of recent funding serving Native American communities: the Departments of Agriculture; Education (Education); Health and Human Services (HHS); Housing and Urban Development;

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<sup>1</sup>We selected this period to focus on the most recent trends in available funding from when we began the review.

<sup>2</sup>Discretionary grants are competitive in nature, whereby the granting agency has discretion to choose one applicant over another based on eligibility and merit. Cooperative agreements are similar to discretionary grants in that federal agencies generally award them to grantees competitively based on eligibility and merit. In contrast to discretionary grants though, federal agencies generally use cooperative agreements when they anticipate that there will be substantial federal involvement with the recipient during the performance of the program activities. According to Grants.gov, a formula grant is a type of grant that grantors award to grantees based on statistical criteria. Authorizing legislation and regulations usually define the statistical criteria and the funding amount allocated to recipients of these types of grants.



Justice (DOJ); Labor; the Interior (Interior); Transportation; and the Environmental Protection Agency.<sup>3</sup>

The analyst then selected discretionary grant programs in the search results whose summary descriptions on Grants.gov mentioned tribal or Native American youth as beneficiaries and were related to the following categories:

- Child separation from home;
- Cultural values and institutions;
- Cross-jurisdictional cooperation and information sharing;
- Exposure to violence;
- Family;
- Historical or intergenerational trauma;
- Mental health and trauma-informed services;
- Poverty;
- Reforms and alternatives to detention;
- Resources to enhance or reform the tribal juvenile justice system;
- Suicide;
- Substance use and abuse; and
- Miscellaneous (for example, running away from home, etc.).<sup>4</sup>

Two analysts collaborated to develop these categories. Specifically, one analyst reviewed selected reports focused on Native American juvenile justice and then identified risk factors, protective factors, and

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<sup>3</sup>For example, the fiscal year 2019 Federal Funding for Program Serving Tribes and Native American Communities, which shows that federal agencies enacted approximately \$22.017 billion for programs that served Native Americans in fiscal year 2018, and that approximately \$21.433 billion, or about 97 percent, came from the nine federal agencies listed above.

<sup>4</sup>We excluded grant programs that focused on providing services for victims of crimes and violence from this review, just as we did in GAO, *Native American Youth: Involvement in Justice Systems and Information on Grants to Help Address Juvenile Delinquency*, [GAO-18-591](#) (Washington, D.C.: Sept. 5, 2018). We also excluded selected Interior National Park Service discretionary cooperative agreements that facilitated Native American youth involvement in tribal cultural resource projects but did not accept applications from other entities.

recommendations related to tribal juvenile delinquency. A second analyst either confirmed agreement with the categories or discussed any differences to reach a consensus.<sup>5</sup> The reports the first analyst reviewed were

- DOJ Office of Juvenile Justice and Delinquency Prevention (OJJDP) Tribal Youth in the Juvenile Justice System literature review;
- “Creating a Juvenile Justice System that Focuses on Prevention, Treatment, and Healing”; Chapter 4 of the November 2014 Attorney General’s Advisory Committee on American Indian/Alaska Native Children Exposed to Violence report, *Ending Violence so Children Can Thrive* report;<sup>6</sup> and
- “Juvenile Justice: Failing the Next Generation,”; Chapter 6 of the November 2013 Indian Law and Order Commission Report to the President and Congress of the United States, *A Roadmap for Making Native America Safer* report.<sup>7</sup>

Regarding formula grant programs, the first analyst selected those programs whose summary descriptions mentioned youth as beneficiaries, related to the aforementioned categories, and allowed federally recognized tribes (tribes) or tribal organizations to apply to receive

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<sup>5</sup>This literature review identified risk factors for tribal youth, which are characteristics or activities that could contribute to a higher likelihood of their contact with the criminal justice system. These risk factors included historical trauma, violence, suicide, substance use, and lack of cultural instruction. The literature review also listed various protective factors—characteristics of the child, family, and wider environment that can increase resiliency and reduce the likelihood of negative child outcomes and behaviors, such as contact with the juvenile justice system. The protective factors in the literature review included family and culture. See Office of Juvenile Justice and Delinquency Prevention, *Literature Review: A Product of the Model Programs Guide—Tribal Youth in the Juvenile Justice System* (Washington, D.C.: last updated April 2016).

<sup>6</sup>The Attorney General’s Advisory Committee on American Indian/Alaska Native Children Exposed to Violence (Advisory Committee), *Ending Violence so Children Can Thrive* (Washington, D.C.: November 2014).

<sup>7</sup>Indian Law and Order Commission Report to the President and Congress of the United States, *A Roadmap for Making Native America Safer* (November 2013).

funding directly.<sup>8</sup> A second analyst then reviewed the first analyst's initial determinations of potentially relevant grant programs and either confirmed agreement or discussed any differences of opinion to reach a consensus.

After developing an initial list of grant programs based on our review of Grants.gov search results as well as agency websites, we shared the list with the agencies from which we initially identified relevant programs—HHS, DOJ, Education, and Interior—to obtain their perspectives. Despite these steps, it is possible that we did not identify all potentially relevant federal grant programs targeted to tribes that could prevent or address delinquency among Native American youth. Moreover, for some grant programs we identified, addressing juvenile delinquency is not the primary purpose and beneficiaries may include youth who are neither Native American nor have a history of delinquency. We included them as programs that could address juvenile delinquency because, as mentioned above, their described activities relate to the risk or protective factors discussed in the OJJDP Tribal Youth in the Juvenile Justice System literature review, among other criteria.

After finalizing the list of relevant grant programs, we obtained fiscal year 2015 through 2018 award data for these programs. We assessed the reliability of the award data by reviewing related documentation and performing checks for missing data and other obvious errors. We also asked knowledgeable officials about the information systems in which their agencies maintain the data; the extent to which their agencies conduct reviews to ensure that the data are accurate; and whether there are any known limitations to the data, among other questions. We determined that the award data were sufficiently reliable for the purposes of reporting funding trends for grant programs that could have helped

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<sup>8</sup>For example, we selected the Department of Health and Human Services' Promoting Safe and Stable Families formula grant program as relevant for our review because its primary goals include preventing the unnecessary separation of children from their families, which relates to one of the categories we identified for tribal juvenile delinquency—child separation from home. We also selected this program because it reserves 3 percent of its total annual funding for eligible tribes and tribal consortia for which tribal entities can apply to receive directly. In fiscal year 2017, for example, total funding for the Promoting Safe and Stable Families program was about \$381 million, and tribal entities received approximately \$11.5 million, or about 3 percent, of the program's total funding. In contrast, the DOJ Title II Formula Grants Program provides funding to states to develop programs to address delinquency and improve the juvenile justice system. However, we did not ultimately select this program as relevant for our review because tribal entities are not eligible to apply directly to receive funding.

prevent or address delinquency among Native American youth during fiscal years 2015 through 2018.

In addition to identifying relevant grant programs for the first objective, we also interviewed agency officials from Interior and HHS's Indian Health Service that administer self-determination contracts and self-governance compacts with Indian tribes (tribes). We conducted these interviews to determine the extent to which the agreements may include financial assistance that tribes might use to prevent or address delinquency among Native American youth. Authorized by the Indian Self-Determination and Education Assistance Act of 1975, as amended, self-determination contracts and self-governance compacts allow tribes (or tribal organizations and consortia) to enter into agreements with Interior and HHS's Indian Health Service, which enable them to assume the administration of certain federal programs—or portions of them—that the agencies themselves previously managed.<sup>9</sup>

To address our second objective, we requested performance-measurement-related documentation, such as performance reports from one to two grantees of a nonprobability sample of 15 HHS, DOJ, Education, and Interior grant programs that we identified within our first objective.<sup>10</sup> In selecting this sample of grant programs, we employed a multistage process that considered (1) the federal agency that administers the program, (2) the agency component office that manages the program, (3) and the program type (that is, discretionary versus formula grant program). In considering these three factors, we were able to select a sample that represented a mix of agencies, component offices, and types of programs. Furthermore, we requested program evaluation reports published from fiscal years 2015 through 2018 that involved or focused on Native American youth regardless of the program. We also conducted interviews with or submitted questions to officials from HHS, DOJ, Education, and Interior. For example, we asked cognizant agency

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<sup>9</sup>Although both types of agreements transfer the administration of federal programs to tribes or tribal organizations, there are differences between the agreements. In January 2019, we reported on differences between the self-determination contracts and self-governance compacts that the Department of the Interior enters into with tribes and tribal organizations. See GAO, *Indian Programs: Interior Should Address Factors Hindering Tribal Administration of Federal Programs*, [GAO-19-87](#) (Washington, D.C.: Jan. 3, 2019), 10.

<sup>10</sup>For the purposes of this report, assessing performance refers to agencies determining the extent to which a grantee or grant program has made progress on its goals or how well a grant program is working, as measured by the incorporation of leading practices we identified for performance measurement and program evaluation.

officials to describe how their agency or component offices measured the performance of their grantees and how frequently they did so. See table 5 for a list of our selected sample of 15 grant programs.

**Table 5: List of Selected Departments of Health and Human Services, Justice, Education, and the Interior Grant Programs for Assessment against Leading Practices**

Name of grant program	Department	Component office
Coordinated Tribal Assistance Solicitation - Purpose Area 4: Tribal Justice System Infrastructure Program	Justice	Bureau of Justice Assistance
Coordinated Tribal Assistance Solicitation - Purpose Area 9: Tribal Youth Program	Justice	Office of Juvenile Justice and Delinquency Prevention
Tribal Youth Program Training and Technical Assistance	Justice	Office of Juvenile Justice and Delinquency Prevention
Native American Language (NAL@ED) Program	Education	Office of Elementary and Secondary Education
Indian Education Formula Grants to Local Educational Agencies	Education	Office of Elementary and Secondary Education
Native American and Alaska Native Children in School Program	Education	Office of English Language Acquisition
Native American Language Preservation and Maintenance-Esther Martinez Immersion	Health and Human Services	Administration for Children and Families
Stephanie Tubbs Jones Child Welfare Services	Health and Human Services	Administration for Children and Families
Tribal Maternal, Infant, and Early Childhood Home Visiting Program: Development and Implementation Grants	Health and Human Services	Administration for Children and Families in partnership with the Health Resources and Services Administration
Methamphetamine and Suicide Prevention Initiative - Generation Indigenous (Gen-I) Initiative Support	Health and Human Services	Indian Health Service
Collaborative Hubs to Reduce the Burden of Suicide among American Indian and Alaska Native Youth (U19)	Health and Human Services	National Institutes of Health
American Indian/Alaska Native Health Equity Initiative	Health and Human Services	Office of Minority Health
Cooperative Agreements for State-Sponsored Youth Suicide Prevention and Early Intervention (PPHF-2015)	Health and Human Services	Substance Abuse and Mental Health Services Administration
Cooperative Agreements for Tribal Behavioral Health (short title: Native Connections)	Health and Human Services	Substance Abuse and Mental Health Services Administration
Native Language Immersion Cooperative Agreement	Interior	Bureau of Indian Education

Source: GAO. | GAO-20-600

In addition, we assessed the extent to which HHS, DOJ, Education, and Interior incorporated leading practices for performance measurement or program evaluation when assessing the performance of their grant

programs.<sup>11</sup> To do this, we (1) identified leading practices for performance measurement and program evaluation and (2) determined the extent to which the four agencies incorporated these leading practices for the nonprobability sample of 15 programs we previously mentioned.

To identify leading practices for performance measurement and program evaluation, we used a deductive content analysis approach. One analyst reviewed and coded passages of text that conformed to preestablished categories the analyst derived from a preliminary review of selected GAO and external sources (see full list of sources in app. II).<sup>12</sup> The analyst then identified an initial set of leading practices from the coded passages of text by grouping the most common into two smaller subsets of leading practices, one each for performance measurement and program evaluation. A second analyst reviewed the initial leading practices to ensure that the two groups of leading practices were reasonable and comprehensive. After the first and second analyst reached consensus on the selected leading practices, we sent the practices to internal legal and methodological specialists for feedback. In total, we identified 14 leading practices for performance measurement and 14 leading practices for program evaluation, listed in tables 6 and 7 below.

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<sup>11</sup>See GAO, *Best Practices Methodologies: A New Approach for Improving Government Operations*, [NSIAD-95-154](#) (Washington, D.C.: May 1, 1995). According to this report, best management practices refer to the processes, practices, and systems that are widely recognized as improving an organization's performance and efficiency in specific areas. For the purpose of this review, the term "leading practices" refers to commonly mentioned and recommended practices related to performance measurement and program evaluation that we identified when reviewing GAO and external reports or guidance relevant to these topics.

<sup>12</sup>The preestablished categories for performance measurement included the following: performance measurement planning and structure; performance goals and measures; data collection; reporting; use of performance results; and miscellaneous. For program evaluation, the preestablished categories were planning and structure; methodology; ethics and competency; reporting; use of evaluations; and miscellaneous.

**Table 6: List of GAO-Identified Leading Practices for Performance Measurement**

**Leading practices for performance measurement**

The agency should establish activities to measure performance that compare program achievements to program objectives.

The agency should have performance plans that outline required performance measurement activities.

The agency should incorporate risk assessment in its performance measurement activities.

Performance measurement activities should be aligned with the needs of users of performance information.

Management should use performance data when making programmatic and operational decisions.

Results should be clearly communicated to users and stakeholders.

Results should be reported periodically throughout a program's life cycle.

Performance goals and measures should cover core program activities and priorities.

Performance goals and measures should align with agency- and/or government-wide priorities.

Performance goals and indicators should be measurable, objective, and reliable.

Performance goals and measures should clearly communicate performance targets.

Performance measures should provide baseline data and measure program progress.

Data should be assessed for quality and reliability.

The agency should clearly communicate the scope and timing of performance measurement activities to grantees.

Source: GAO. | GAO-20-600

Note: The leading practices we identified for performance measurement are specific to [GAO-20-600](#) and do not necessarily reflect all possible leading practices in these areas. However, these leading practices are consistent with practices identified in our prior work and provide insights on how agencies could conduct performance measurement and program evaluation activities.

**Table 7: List of GAO-Identified Leading Practices for Program Evaluation**

**Leading practices for program evaluation**

The agency should have evaluation plans.

The agency should have written policies to guide evaluation activities and establish quality standards.

Evaluation policies should require evaluators to have the necessary knowledge and competencies for the evaluation.

Evaluation policies should have ethical behavior guidelines, including ensuring evaluator independence.

Evaluation findings should be disseminated to stakeholders and the public, when possible.

Management should use evaluation findings to make programmatic and operational decisions.

Management should use evaluations to identify innovative or promising practices.

Evaluators should involve a full range of stakeholders in the planning process.

Evaluation should use the most rigorous methods appropriate to the questions and context.

Evaluation questions should be feasible, relevant, clearly defined, and measureable.

Data should be assessed for quality and reliability.

The evaluation's conclusions should be supported by the findings.

The criteria and measures should be observable and appropriate to the evaluation questions.

The evaluation report should include a discussion of the study's limitations.

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Source: GAO. | GAO-20-600

Note: The leading practices we identified for program evaluation are specific to [GAO-20-600](#) and do not necessarily reflect all possible leading practices in these areas. However, these leading practices are consistent with practices identified in our prior work and provide insights on how agencies could conduct performance measurement and program evaluation activities.

The leading practices we identified for performance measurement and program evaluation are specific to the engagement and do not necessarily reflect all possible leading practices in these areas. However, these leading practices are consistent with practices identified in our prior work and provide insights on how agencies could conduct performance measurement and program evaluation activities.

To assess the extent to which agencies incorporated these leading practices, an analyst reviewed the performance measurement-related documentation for the nonprobability samples of grant programs and relevant program evaluation reports mentioned above and made a determination of whether the agency or component office incorporated the leading practices we identified. A second analyst then reviewed the first analyst's determinations and either confirmed agreement or discussed any differences of opinion to reach consensus. We did not assess the extent to which an agency incorporated leading practices for program evaluation if we could not identify an evaluation report the agency published between fiscal years 2015 and 2018 that focused on Native American youth.<sup>13</sup> We also did not include self-determination contracts and self-governance compacts that tribes have with Indian Health Service and Interior in the second objective. This is because monitoring of the implementation of these agreements is governed by the Indian Self-Determination and Education Assistance Act, as amended, and its implementing regulations, and monitoring and performance measurement standards that generally apply to federal grant programs do not generally apply to these agreements. Despite these steps, it is possible that we did not identify every program evaluation report that focused on Native American youth completed during this period. In addition, because we relied on a limited nonprobability sample of grant programs, grantees, and program evaluation reports to determine the extent agencies incorporated the leading practices we identified, our findings are not generalizable to the universe of federal programs, grantees, and program evaluation reports. However, our findings do offer insights into agencies' performance measurement and program

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<sup>13</sup>We also excluded potentially relevant reports that, in our judgement, did not meet the definition of program evaluation contained within GAO, *Performance Measurement and Evaluation: Definitions and Relationships*, [GAO-11-646SP](#) (Washington, D.C.: May 2, 2011).



evaluation practices, particularly as those practices relate to grant programs intended for tribal communities. Finally, although we evaluated the extent to which agencies incorporated leading practices for performance measurement and program evaluation, we did not assess the performance of any grant programs themselves.

To address our third objective, we conducted 12 semistructured interviews with officials from 10 tribes and two tribal consortia.<sup>14</sup> We selected these interview participants to include tribes located near our site visit locations but also considered geographical diversity as well as a mix of smaller and larger tribes or tribal consortia.<sup>15</sup>

We identified common themes across the 12 interviews we conducted using NVivo, a qualitative analysis software program. Specifically, we conducted a preliminary review of the interview summaries to develop a list of possible barriers to preventing or addressing juvenile delinquency, experiences implementing federal programs, and promising practices that our team identified in our interviews with tribal officials. We then used that list to code the interview summaries, applying multiple codes to a summary if the interview covered a range of issues. This process allowed us to determine the number of interview summaries that contained any statements about each of the specific trends, practices, and experiences we identified throughout the third objective. Two analysts divided and completed an initial round of coding statements in the 12 interview summaries. A third analyst reviewed and validated the initial coding of each summary. All adjustments made by the third analyst during the coding validation were approved by a fourth analyst. Finally, we calculated the number of interview summaries that included any discussion of each specific theme we identified.<sup>16</sup>

In addition to these interviews, we also conducted two discussion groups at tribal-focused conferences with about 30 officials who volunteered to participate. One conference discussion group included participants from

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<sup>14</sup>We also conducted interviews with nontribal officials who had experience working on tribal juvenile justice issues to gain contextual knowledge but did not ultimately include them in our analysis for the third objective because they were not tribal officials.

<sup>15</sup>We conducted site visits with federally recognized tribes and agency officials to California in December 2018 and to New Mexico in April 2019.

<sup>16</sup>We counted an interview as mentioning a specific issue or challenge related to preventing or addressing juvenile delinquency if at least one of the tribal officials participating in the interviews discussed it.

various fields, including child welfare, mental health, and juvenile justice service providers; legal professionals; advocates for children; and tribal leaders. The other discussion group included representatives of programs that were grantees of DOJ's Coordinated Tribal Assistance Solicitation - Purpose Area 9: Tribal Youth Program in fiscal year 2018.<sup>17</sup>

While we included examples from the two discussion groups we held during our site visits, the information we present on identified trends within the third objective is limited to the 12 interviews we conducted with tribes or tribal consortia described above. This is due to the 12 interviews we conducted having a similar semistructured format.

The perspectives that the tribes, tribal consortia, and the two discussion groups offered are not generalizable, but they provide insights on the juvenile delinquency issues that some tribes encounter within their communities and the types of challenges they face in preventing or addressing these issues.

We conducted this performance audit from August 2018 to August 2020 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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<sup>17</sup>According to the fiscal year 2018 funding opportunity announcement for Coordinated Tribal Assistance Solicitation, the Tribal Youth Program seeks to support and enhance tribal efforts to prevent and reduce juvenile delinquency and strengthen a fair and beneficial juvenile justice system response for Native American youth.

## Appendix II: Sources Analyzed to Identify Leading Practices for Performance Measurement and Program Evaluation Used in Report

American Evaluation Association. *An Evaluation Roadmap for a More Effective Government* (Washington, D.C.: Revised October 2016).

American Evaluation Association. *American Evaluation Association Guiding Principles for Evaluators* (Washington, D.C.: July 2004).

GAO. *Critical Infrastructure Protection: Actions Needed to Address Significant Weaknesses in TSA's Pipeline Security Program Management*. [GAO-19-48](#). Washington, D.C.: December 18, 2018.

GAO. *Military Personnel: DOD Needs to Establish Performance Measures for the Armed Forces Sports Program*. [GAO-17-542](#). Washington, D.C.: June 8, 2017.

GAO. *Foreign Assistance: Agencies Can Improve the Quality and Dissemination of Program Evaluations*. [GAO-17-316](#). Washington, D.C.: March 3, 2017.

GAO. *Foreign Assistance: Selected Agencies' Monitoring and Evaluation Policies Generally Address Leading Practices*. [GAO-16-861R](#). Washington, D.C.: September 27, 2016.

GAO. *Federal Prison System: Justice Could Better Measure Progress Addressing Incarceration Challenges*. [GAO-15-454](#). Washington, D.C.: June 19, 2015.

GAO. *Fragmentation, Overlap, and Duplication: An Evaluation and Management Guide*. [GAO-15-49SP](#). Washington, D.C.: April 14, 2015.

GAO. *Managing for Results: Agencies' Trends in the Use of Performance Information to Make Decisions*. [GAO-14-747](#). Washington, D.C.: September 26, 2014.

GAO. *Standards for Internal Control in the Federal Government*. [GAO-14-704G](#). Washington, D.C.: September 10, 2014.

GAO. *Defense Health Care Reform: Additional Implementation Details Would Increase Transparency of DOD's Plans and Enhance Accountability*. [GAO-14-49](#). Washington, D.C.: November 6, 2013.

GAO. *Designing Evaluations: 2012 Revision*. [GAO-12-208G](#). Washington, D.C.: February 1, 2012.

GAO. *Information Sharing: DHS Could Better Define How It Plans to Meet Its State and Local Mission and Improve Performance Accountability*. [GAO-11-223](#). Washington, D.C.: December 16, 2010.

GAO. *Employment and Training Administration: Increased Authority and Accountability Could Improve Research Program*. [GAO-10-243](#). Washington, D.C.: January 29, 2010.

GAO. *Program Evaluation: A Variety of Rigorous Methods Can Help Identify Effective Interventions*. [GAO-10-30](#). Washington, D.C.: November 23, 2009.

GAO. *Managing for Results: Enhancing Agency Use of Performance Information for Management Decision Making*. [GAO-05-927](#). Washington, D.C.: September 9, 2005.

GAO. *Tax Administration: IRS Needs to Further Refine Its Tax Filing Season Performance Measures*. [GAO-03-143](#). Washington, D.C.: November 22, 2002.

GAO. *Agency Performance Plans: Examples of Practices That Can Improve Usefulness to Decisionmakers*. [GAO/GGD/AIMD-99-69](#). Washington, D.C.: February 26, 1999.

GAO. *Results Act: An Evaluator's Guide to Assessing Agency Annual Performance Plans*. [GGD-10.1.20](#). Washington, D.C.: April 1, 1998.

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Appendix II: Sources Analyzed to Identify  
Leading Practices for Performance  
Measurement and Program Evaluation Used in  
Report

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GAO. *Agencies' Annual Performance Plans under the Results Act: An Assessment Guide to Facilitate Congressional Decisionmaking*. [GGD/AIMD-10.1.18](#). Washington, D.C.: February 1, 1998.

*GPRA Modernization Act of 2010*, Pub. L. No. 111–352, 124 Stat. 3866 (2011).

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. part 200.

# Appendix III: Selected Grant Programs Targeted to Tribes That Could Help Prevent or Address Delinquency among Native American Youth

**Table 8: Selected Departments of Health and Human Services, Justice, Education, and the Interior Grant Programs That Grantees Could Have Used to Help Prevent or Address Tribal Juvenile Delinquency, Fiscal Years 2015-2018**

Grant program	Department	Component office	Discretionary or formula?	Fiscal years for which department issued a funding opportunity announcement or awarded yearly allocations to grantees
Chafee Foster Care Program for Successful Transition to Adulthood	Health and Human Services	Administration for Children and Families	Formula	2015 2016 2017 2018
Grants for Coordination of Tribal Temporary Assistance for Needy Families (TANF) and Child Welfare	Health and Human Services	Administration for Children and Families	Discretionary	2015
Grants to Tribes, Tribal Organizations, and Migrant Programs for Community-Based Child Abuse Prevention Programs	Health and Human Services	Administration for Children and Families	Discretionary	2016
National Quality Improvement Center for Preventive Services and Interventions in Indian Country	Health and Human Services	Administration for Children and Families	Discretionary	2017
Native American Language Preservation and Maintenance-Esther Martinez Immersion	Health and Human Services	Administration for Children and Families	Discretionary	2015 2016 2017 2018
Native Youth Initiative for Leadership, Empowerment, and Development (I-LEAD)	Health and Human Services	Administration for Children and Families	Discretionary	2016 2017 2018

**Appendix III: Selected Grant Programs  
Targeted to Tribes That Could Help Prevent or  
Address Delinquency among Native American  
Youth**

Promoting Safe and Stable Families	Health and Human Services	Administration for Children and Families	Formula <sup>a</sup>	2015 2016 2017 2018
Regional Partnership Grants to Increase the Well-Being of, and to Improve the Permanency Outcomes for, Children Affected by Substance Abuse in American Indian/Alaska Native Communities	Health and Human Services	Administration for Children and Families	Discretionary	2017
State and Tribal Indian Child Welfare Act (ICWA) Implementation Partnership Grants	Health and Human Services	Administration for Children and Families	Discretionary	2016
Stephanie Tubbs Jones Child Welfare Services	Health and Human Services	Administration for Children and Families	Formula	2015 2016 2017 2018
Tribal Court Improvement Program	Health and Human Services	Administration for Children and Families	Discretionary	2015 2018
Tribal Temporary Assistance for Needy Families (Tribal TANF)	Health and Human Services	Administration for Children and Families	Formula	2015 2016 2017 2018
Tribal Maternal, Infant, and Early Childhood Home Visiting Program: Development and Implementation Grants	Health and Human Services	Administration for Children and Families in partnership with the Health Resources and Services Administration	Discretionary	2016
Tribal Maternal, Infant, and Early Childhood Home Visiting Program: Implementation and Expansion Grants	Health and Human Services	Administration for Children and Families in partnership with the Health Resources and Services Administration	Discretionary	2016 2018
Methamphetamine and Suicide Prevention Initiative	Health and Human Services	Indian Health Service	Discretionary	2015
Methamphetamine and Suicide Prevention Initiative - Generation Indigenous Initiative Support	Health and Human Services	Indian Health Service	Discretionary	2016 2017
Youth Regional Treatment Center Aftercare Pilot Project	Health and Human Services	Indian Health Service	Discretionary	2018
Collaborative Hubs to Reduce the Burden of Suicide among American Indian and Alaska Native Youth (U19)	Health and Human Services	National Institutes of Health	Discretionary	2017
American Indian/Alaska Native Health Equity Initiative	Health and Human Services	Office of Minority Health	Discretionary	2017

**Appendix III: Selected Grant Programs  
Targeted to Tribes That Could Help Prevent or  
Address Delinquency among Native American  
Youth**

Cooperative Agreements for Project LAUNCH (Linking Actions for Unmet Needs in Children's Health) State/Tribal Expansion (short title: Project LAUNCH Expansion Grants)	Health and Human Services	Substance Abuse and Mental Health Services Administration	Discretionary	2015
Cooperative Agreements for State-Sponsored Youth Suicide Prevention and Early Intervention (PPHF-2015)	Health and Human Services	Substance Abuse and Mental Health Services Administration	Discretionary	2015
Cooperative Agreements for Tribal Behavioral Health (short title: Native Connections)	Health and Human Services	Substance Abuse and Mental Health Services Administration	Discretionary	2016 2017 2018
Linking Actions for Unmet Needs in Children's Health in American Indian and Alaskan Native Communities, U.S. Territories, and Pacific Jurisdictions Cooperative Agreements (short title: Indigenous - Project LAUNCH)	Health and Human Services	Substance Abuse and Mental Health Services Administration	Discretionary	2017
Planning and Developing Infrastructure to Improve the Mental Health and Wellness of Children, Youth and Families in American Indian/Alaska Natives Communities (short title: Circles of Care VII)	Health and Human Services	Substance Abuse and Mental Health Services Administration	Discretionary	2017
Strategic Prevention Framework - Partnerships for Success (short title: SPF-PFS)	Health and Human Services	Substance Abuse and Mental Health Services Administration	Discretionary	2017 2018
Coordinated Tribal Assistance Solicitation - Purpose Area 4: Tribal Justice System Infrastructure Program	Justice	Bureau of Justice Assistance	Discretionary	2015 2016 2017 2018
Alaska Native Youth Training and Technical Assistance Project	Justice	Office of Juvenile Justice and Delinquency Prevention	Discretionary	2016
Coordinated Tribal Assistance Solicitation - Purpose Area 8: Juvenile Tribal Healing to Wellness Courts	Justice	Office of Juvenile Justice and Delinquency Prevention	Discretionary	2015 2016 2017 2018
Coordinated Tribal Assistance Solicitation - Purpose Area 9: Tribal Youth Program	Justice	Office of Juvenile Justice and Delinquency Prevention	Discretionary	2015 2016 2017 2018
National Intertribal Youth Leadership Development Initiative <sup>b</sup>	Justice	Office of Juvenile Justice and Delinquency Prevention	Discretionary	2017



**Appendix III: Selected Grant Programs  
Targeted to Tribes That Could Help Prevent or  
Address Delinquency among Native American  
Youth**

Supporting Tribal Youth: Training, Technical Assistance and Youth Leadership	Justice	Office of Juvenile Justice and Delinquency Prevention	Discretionary	2018
Defending Childhood	Justice	Office of Juvenile Justice and Delinquency Prevention	Discretionary	2016
American Indian/Alaska Native Policy Initiative: Supporting Trauma-Informed Juvenile Justice Systems for Tribes				
Tribal Youth Program Training and Technical Assistance	Justice	Office of Juvenile Justice and Delinquency Prevention	Discretionary	2015
Native American and Alaska Native Children in School Program	Education	Office of English Language Acquisition	Discretionary	2016 2018
Indian Education Demonstration Grants - Native Youth Community Projects	Education	Office of Elementary and Secondary Education	Discretionary	2015 2016 2018
Native American Language (NAL@ED) Program	Education	Office of Elementary and Secondary Education	Discretionary	2017
Indian Education Formula Grants to Local Educational Agencies	Education	Office of Elementary and Secondary Education	Formula	2015 2016 2017 2018
Native Language Immersion Cooperative Agreement	Interior	Bureau of Indian Education	Discretionary	2017 2018

Source: GAO analysis of agency grant programs. | GAO-600-20

<sup>a</sup>The Department of Health and Human Services (HHS) Promoting Safe and Stable Families grant program contains award funding on both a formula and discretionary basis. However, for the purposes of this review, we characterize it a formula grant because HHS primarily obligates program awards on a formula basis.

<sup>b</sup>We identified the National Intertribal Youth Leadership Development Initiative, for which the Office of Juvenile Justice and Delinquency Prevention issued a solicitation inviting applicants to apply for funding in fiscal year 2017, as an American Indian and Alaska Native-specific discretionary grant program that could have helped prevent or address juvenile delinquency in tribal communities. However, Department of Justice officials told us that the agency received three applications but did not make any awards for the program.

## Appendix IV: Comments from the Department of Health and Human Services



DEPARTMENT OF HEALTH & HUMAN SERVICES

OFFICE OF THE SECRETARY

Assistant Secretary for Legislation  
Washington, DC 20201

July 10, 2020

Gretta L. Goodwin  
Director, Homeland Security and Justice  
U.S. Government Accountability Office  
441 G Street NW  
Washington, DC 20548

Dear Ms. Goodwin:

Attached are comments on the U.S. Government Accountability Office's (GAO) report entitled, *"Native American Youth: Agencies Incorporated Almost All Leading Practices When Assessing Grant Programs Addressing Delinquency"* (Job Code 102972/GAO-20-600).

The Department appreciates the opportunity to review this report prior to publication.

Sincerely,

Sarah C. Arbes  
Arbes-S

Digitally signed by  
Sarah C. Arbes -S  
Date: 2020.07.10  
11:40:32 -0400

Sarah C. Arbes  
Assistant Secretary for Legislation

Attachment

**GENERAL COMMENTS FROM THE DEPARTMENT OF HEALTH & HUMAN  
SERVICES ON THE GOVERNMENT ACCOUNTABILITY OFFICE'S DRAFT  
REPORT ENTITLED — NATIVE AMERICAN YOUTH: AGENCIES  
INCORPORATED ALMOST ALL LEADNING PRACTICES WHEN ASSESSING  
GRANT PROGRAMS ADDRESSING DELINQUENCY (GAO-20-600)**

The U.S. Department of Health & Human Services (HHS) appreciates the opportunity from the Government Accountability Office (GAO) to review and comment on this draft report.

**Recommendation 1**

The Associate Commissioner of the Administration for Children and Families Children's Bureau within the Department of Health and Human Services should develop a process to assess the reliability of grantee performance information for its Stephanie Tubbs Jones Child Welfare Services Program

**HHS Response**

HHS non-concurs.

- 1) The Stephanie Tubbs Jones Child Welfare Services Program (title IV-B, subpart 1 of the Social Security Act) provides states and tribes broad authority for the use of funds consistent with statutorily identified purposes, which are focused on children and families involved with the child welfare system. Section 1123A of the Social Security Act dictates performance measurement, in part, for the title IV-B program. The performance measurement requirements at section 1123A apply only to state agencies and not to tribes.
- 2) The recommendation is aimed at the leading practice for performance measurement to assess the reliability of grantee performance information provided in the Child and Family Services Plan (CFSP). However the primary statutorily mandated performance measurement requirements related to title IV-B, subpart 1 do not apply to tribes.
- 3) The CFSP tribes submit in order to access funding under title IV-B, subpart 1 is primarily used to describe how tribes will implement the title IV-B program.

Federal regulations provide that a participating state or Indian Tribe must base the development of the CFSP on a planning process that includes involvement and consultation with a wide range of stakeholders, including relevant state and tribal agencies, community-based service providers, and parents and youth who are involved or have experience with the child welfare system. The plan must include goals, objective and measures of progress that are documented in the plan and addressed in consultation with community stakeholders.

- 4) The CFSP and the annual update that tribes submit to ACF in order to receive funding under title IV-B, subpart 1 is also required to be developed jointly with ACF in accordance with section 422(a) of the Social Security Act.

**GENERAL COMMENTS FROM THE DEPARTMENT OF HEALTH & HUMAN  
SERVICES ON THE GOVERNMENT ACCOUNTABILITY OFFICE'S DRAFT  
REPORT ENTITLED — NATIVE AMERICAN YOUTH: AGENCIES  
INCORPORATED ALMOST ALL LEADNING PRACTICES WHEN ASSESSING  
GRANT PROGRAMS ADDRESSING DELINQUENCY (GAO-20-600)**

As defined in federal regulations at 45 CFR 1357.10(c), "Joint planning involves discussions, consultation, and negotiation between ACF and the State or Indian Tribe in all areas of CFSP creation such as, but not limited to, identifying the service needs of children, youth, and families; selecting the unmet service needs that will be addressed; developing goals and objectives that will result in improving outcomes for children and families; developing a plan to meet the matching requirements; and establishing a more comprehensive, coordinated and effective child and family services delivery system. The expectation of joint planning is that both ACF and the State or Indian Tribe will reach agreement on substantive and procedural matters related to the CFSP."

GAO recommended that ACF validate the efficacy of a plan that we participated in developing. Any additional validation beyond joint planning, existing requirements for consultation and coordination would be overly burdensome, and resource intensive. Further, on page 21 of this report, GAO provides an example on how to assess data quality – including inquiring about how data are collected or asking tribal officials' opinions on the quality of the data. These are essentially the very types of questions that are addressed in joint planning and the development of the CFSP. Therefore, existing procedures are appropriate and sufficient and development of further data validation procedures is unnecessary.

---

## Text of Appendix IV: Comments from the Department of Health and Human Services

### Page 1

#### DEPARTMENT OF HEALTH & HUMAN SERVICES OFFICE OF THE SECRETARY

Assistant Secretary for Legislation  
Washington, DC 20201

July 10, 2020

Gretta L. Goodwin  
Director, Homeland Security and Justice  
U.S. Government Accountability Office  
441 G Street NW  
Washington, DC 20548

Dear Ms. Goodwin:

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The Department appreciates the opportunity to review this report prior to publication.

Sincerely,

Sarah C. Arbes  
Assistant Secretary for Legislation

Attachment

### Page 2

#### **GENERAL COMMENTS FROM THE DEPARTMENT OF HEALTH & HUMAN SERVICES ON THE GOVERNMENT ACCOUNTABILITY OFFICE'S DRAFT REPORT ENTITLED — NATIVE AMERICAN YOUTH: AGENCIES**

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GRANT PROGRAMS ADDRESSING DELINQUENCY (GAO-20-600)**

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Page 3

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GAO recommended that ACF validate the efficacy of a plan that we participated in developing. Any additional validation beyond joint planning, existing requirements for consultation and coordination would be overly burdensome, and resource intensive.

Further, on page 21 of this report, GAO provides an example on how to assess data quality – including inquiring about how data are collected or asking tribal officials’ opinions on the quality of the data. These are essentially the very types of questions that are addressed in joint planning and the development of the CFSP. Therefore, existing procedures are appropriate and sufficient and development of further data validation procedures is unnecessary.

## Appendix V: Comments from the Department of the Interior



### United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

JUL 21 2020

Ms. Gretta Goodwin  
Director, Homeland Security and Justice  
U.S. Government Accountability Office  
441 G Street, N.W.  
Washington, DC 20548

Dear Ms. Goodwin:

Thank you for providing the Department of the Interior (Department) the opportunity to review and comment on the draft Government Accountability Office (GAO) report entitled, *Native American Youth: Agencies Incorporated Almost All Leading Practices When Assessing Grant Programs Addressing Delinquency (GAO-20-600)*. We appreciate GAO's evaluation of the Bureau of Indian Education's (BIE) Native Language Immersion Cooperative Agreement program.

The GAO issued two recommendations to the Department as part of its overall findings to improve the administration and oversight of the BIE native language grant program. Below is a summary of actions taken or planned to implement the recommendations.

**Recommendation 2: The Director of the Department of the Interior's Bureau of Indian Education should take steps to alert grantees of the Native Language Immersion Cooperative Agreement when they are late in submitting performance reports.**

**Response:** Concur. As highlighted within the report, funding for the Native Language Immersion Cooperative Agreement was unanticipated by the BIE. In response to receiving this unanticipated funding the BIE has tasked its Sovereignty in Indian Education (SIE) Office with designing and implementing the Native Language Immersion Cooperative Agreement program. However, as highlighted in the report, the BIE in general, and the SIE Office specifically, faces human capital challenges. Nonetheless, as the Native Language Immersion Cooperative Agreement program matures and the SIE Office continues to fill critical positions, the BIE anticipates that the issue of timely and regular performance reporting will be addressed.

**Recommendation 3: The Director of the Department of the Interior's Bureau of Indian Education should develop a process to assess the quality and reliability of a sample of grantee performance data for the Native Language Immersion Cooperative Agreement.**

**Response:** Concur. As highlighted within the report, the BIE recently established a Performance Office. The Performance Office will be tasked with assisting the SIE Office in inventorying, reviewing, and improving data collection and analysis. As part of this work, the BIE anticipates that the Native Language Immersion Cooperative Agreement program will develop a process to assess the quality and reliability of data.

If you have any questions, or need additional information, please contact Mr. Travis Clark, Chief Performance Officer, BIE, at (202) 208-3612 or via email: [travis.clark@bie.edu](mailto:travis.clark@bie.edu).

Sincerely,

Tara Sweeney  
Assistant Secretary – Indian Affairs



---

## Text of Appendix V: Comments from the Department of the Interior

### Page 1

United States Department of the Interior  
OFFICE OF THE SECRETARY  
Washington, DC 20240  
JUL 21 2020

Ms. Gretta Goodwin  
Director, Homeland Security and Justice  
U.S. Government Accountability Office  
441 G Street, N.W.  
Washington, DC 20548

Dear Ms. Goodwin:

Thank you for providing the Department of the Interior (Department) the opportunity to review and comment on the draft Government Accountability Office (GAO) report entitled, Native American Youth: Agencies Incorporated Almost All Leading Practices When Assessing Grant Programs Addressing Delinquency (GAO- 20-600). We appreciate GAO's evaluation of the Bureau of Indian Education's (BIE) Native Language Immersion Cooperative Agreement program.

The GAO issued two recommendations to the Department as part of its overall findings to improve the administration and oversight of the BIE native language grant program. Below is a summary of actions taken or planned to implement the recommendations.

### **Recommendation 2:**

The Director of the Department of the Interior's Bureau of Indian Education should take steps to alert grantees of the Native Language Immersion Cooperative Agreement when they are late in submitting performance reports.

### **Response:**

Concur. As highlighted within the report, funding for the Native Language Immersion Cooperative Agreement was unanticipated by the BIE. In response to receiving this unanticipated funding the BIE has

tasked its Sovereignty in Indian Education (SIE) Office with designing and implementing the Native Language Immersion Cooperative Agreement program.

However, as highlighted in the report, the BIB in general, and the SIE Office specifically, faces human capital challenges. Nonetheless, as the Native Language Immersion Cooperative Agreement program matures and the SIE Office continues to fill critical positions, the BIE anticipates that the issue of timely and regular performance reporting will be addressed.

**Recommendation 3:**

The Director of the Department of the Interior's Bureau of Indian Education should develop a process to assess the quality and reliability of a sample of grantee performance data for the Native Language Immersion Cooperative Agreement.

**Response:**

Concur. As highlighted within the report, the BIE recently established a Performance Office. The Performance Office will be tasked with assisting the SIE Office in inventorying, reviewing, and improving data collection and analysis. As part of this work, the BIB anticipates that the Native Language Immersion

Cooperative Agreement program will develop a process to assess the quality and reliability of data.

If you have any questions, or need additional information, please contact Mr. Travis Clark, Chief Performance Officer, BIE, at (202) 208-3612 or via email: [travisclark@bie.edu](mailto:travisclark@bie.edu).

Sincerely,  
Tara Sweeney  
Assistant Secretary - Indian Affairs

# Appendix VI: Comments from the Department of Education



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

Government Accountability Office  
Gretta L. Goodwin  
Director, Homeland Security and Justice  
441 G St. NW  
Washington, D.C. 20548

Dear Ms. Goodwin:

Thank you for providing the U.S. Department of Education ("Department") with the opportunity to respond to the draft Government Accountability Office (GAO) report, regarding Native American Youth: Agencies Incorporating Almost All Leading Practices When Assessing Grant Programs Addressing Delinquency (GAO Report 20-600). While there are no recommendations for the Department in the draft GAO report, we would like to take this opportunity to provide two comments pertaining to the draft report. We include additional technical comments in the enclosure.

First, we wish to reemphasize a concern expressed by Department staff during this GAO engagement; we have noted throughout the engagement and note again in response to the draft report, that the use of the term "delinquency" has pejorative implications, and does not appear appropriate when referencing programs that are not intended to address delinquency. Native American students who have been involved with the justice system for various reasons should not be automatically assumed to be and labelled as "juvenile delinquents."

Further, we disagree with the use of the phrase "Grant Programs Addressing Delinquency" in the title of the report because it implies that the purpose of each of the programs listed in the report, including the programs funded by this Department, is to address the topic of "delinquency." This is not the case with the Department programs and for the Department's mission generally, which is to improve educational opportunities, access and equity for all children, including Native American students. For the Department's programs listed in the report, Native American students are eligible participants for projects designed to improve educational outcomes and/or teach Native languages, and generally there is no connection with justice systems. The Department does not view the students served by the grantees as "potential delinquents." We request that GAO consider inserting a statement in the draft GAO report that explains that while the Department of Education programs cited in the report "could" potentially reduce student interactions with the justice system, that is not the primary focus or statutory purpose of these programs.

On a related note, the draft GAO report identifies some promising practices to reduce involvement of Native youth with justice systems. However, these practices are only listed by those Tribes that were interviewed; there is no mention of research or evidence regarding these or other potential promising best practices. It would strengthen the draft GAO report to include research that supports some of these interventions, where applicable. For example, various jurisdictions are adopting the restorative justice model used by some Tribes due to its success. It

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**Appendix VI: Comments from the Department  
of Education**

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would be helpful to include mention of this and other best practice successes in the draft GAO report and any related research.

We have attached technical comments on the report which we hope will be helpful. Again, we appreciate the opportunity to review and provide comments on this draft GAO report. If you have any questions, please contact our Audit Liaison Officer Jed Sorokin-Altmann, jed.sorokin-altmann@ed.gov.

Sincerely,

**Ruth Ryder**

Digitally signed by Ruth  
Ryder.  
Date: 2020.07.09  
15:38:42 -04'00'

Ruth Ryder  
Deputy Assistant Secretary for Formula Grants  
U.S. Department of Education, Office of  
Elementary and Secondary Education

Enclosure

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## Text of Appendix VI: Comments from the Department of Education

### Page 1

UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION  
Government Accountability Office

Gretta L. Goodwin  
Director, Homeland Security and Justice  
441 G St. NW  
Washington, D.C. 20548

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We have attached technical comments on the report which we hope will be helpful. Again, we appreciate the opportunity to review and provide comments on this draft GAO report. If you have any questions, please contact our Audit Liaison Officer Jed Sorokin-Altmann, [jed.sorokin-altmann@ed.gov](mailto:jed.sorokin-altmann@ed.gov).

Sincerely,

Ruth Ryder  
Deputy Assistant Secretary for Formula Grants  
U.S. Department of Education, Office of Elementary and Secondary  
Education

Enclosure

---

# Appendix VII: GAO Contact and Staff Acknowledgments

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## GAO contact

Gretta L. Goodwin, (202) 512-8777 or [GoodwinG@gao.gov](mailto:GoodwinG@gao.gov)

---

## Staff Acknowledgments

In addition to the contact named above, Tonnye' Conner-White, (Assistant Director), Steven Rocker (Analyst-in-Charge), Haley Dunn, Daniel Kuhn, and Jeanine Navarrete made key contributions to this report. Also contributing were Laura T. Abendroth, David Blanding, Valerie J. Caracelli, Eric Hauswirth, Valerie Kasindi, Heidi Nielson, and Kevin Reeves.

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Orice Williams Brown, Managing Director, [WilliamsO@gao.gov](mailto:WilliamsO@gao.gov), (202) 512-4400,  
U.S. Government Accountability Office, 441 G Street NW, Room 7125,  
Washington, DC 20548

## Public Affairs

Chuck Young, Managing Director, [youngc1@gao.gov](mailto:youngc1@gao.gov), (202) 512-4800  
U.S. Government Accountability Office, 441 G Street NW, Room 7149  
Washington, DC 20548

## Strategic Planning and External Liaison

James-Christian Blockwood, Managing Director, [spel@gao.gov](mailto:spel@gao.gov), (202) 512-4707  
U.S. Government Accountability Office, 441 G Street NW, Room 7814,  
Washington, DC 20548

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# Appendix VIII: Accessible Data

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## Data Tables

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**Highlights Page: Number of Interviews in Which Tribal Officials Cited Risk Factors Contributing to Juvenile Delinquency**

Risk factors for Juvenile delinquency	Number of interviews
Substance misuse	11
Educational challenges	10
Mental health	6
Interpersonal violence	6
Poverty	6
Historical trauma	4

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**Figure 2: Number and Value of Selected Grant Programs That Grantees Could Have Used to Help Prevent or Address Tribal Juvenile Delinquency, Fiscal Years 2015-2018**

Agency	Number of grant programs	Total value of selected grant programs
Department of Education	4	\$548.9 million
Department of Health and Human Services	25	\$1.3 billion <sup>a</sup>
Department of the Interior	1	\$4 million
Department of Justice	8	\$74.6 million

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**Figure 3: Number and Value of Department of Health and Human Services Grant Programs That Could Help Prevent or Address Tribal Juvenile Delinquency by Component Office, Fiscal Years 2015-2018**

Component office	Number of grant programs	Total value of selected grant programs
Administration for Children and Families	14	\$1.0 billion <sup>a</sup>
Substance Abuse and Mental Health Services Administration	6	\$185.9 million
Indian Health Service	3	\$82.2 million

National Institutes of Health	1	\$5.0 million
Office of Minority Health	1	\$2.3 million

**Figure 4: Value of Selected Department of Justice (DOJ) Grant Programs That Could Help Prevent or Address Tribal Juvenile Delinquency, Fiscal Years 2015-2018**

Grant program	Total value (dollars in millions)
CTAS Purpose Area 4: Tribal Justice Systems Infrastructure Program	31.1
CTAS Purpose Area 9: Tribal Youth Program	18.9
CTAS Purpose Area 8: Tribal Juvenile Healing to Wellness Courts	12.3
Tribal Youth Program Training and Technical Assistance	5.5
Tribal Defending Childhood Demonstration Program	3.0
Supporting Tribal Youth: Training, Technical Assistance and Youth Leadership	2.3
Alaska Native Youth Training and Technical Assistance Project	1.4

**Figure 5: Value of Selected Department of Education Grant Programs That Could Help Prevent or Address Tribal Juvenile Delinquency, Fiscal Years 2015-2018**

Grant program	Total value (dollars in millions)
Indian Education Formula Grants to Local Educational Agencies	406.3
Indian Education Demonstration Grants - Native Youth Community Projects	127.1
Native American and Alaska Native Children in School Program	11.1
Native American Language Program	4.4

**Figure 6: Number of Interviews in Which Officials from Selected Tribes or Tribal Consortia Cited Various Risk Factors That Contribute to Juvenile Delinquency**

Risk factor for juvenile delinquency	Numbers of interviews
Substance misuse	11
Educational challenges	10
Mental health	6
Interpersonal violence	6

Poverty	6
Historical trauma	4

**Figure 7: Number of Interviews in Which Officials from Selected Tribes or Tribal Consortia Cited Various Challenges Implementing Federal Programs**

Type of implementation challenge	Number of interviews
Conditions or restrictions on program funding	9
Communication with program staff	7
Hiring and retaining staff	7
Grant application and eligibility	7
Geographic isolation	6
Performance measurement and data collection	6
Agency duplication and coordination	5

**Figure 8: Number of Interviews in Which Officials from Selected Tribes or Tribal Consortia Cited Various Justice System-Related Challenges to Preventing or Addressing Juvenile Delinquency**

Justice-system-related challenges	Number of interviews
Coordination and jurisdictional issues	7
Data collection and management	6
Law enforcement	6
Tribal court development	3
Recidivism	1



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