

DOCUMENT RESUME

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Review of American Indian Policy Review Commission. GGD-77-62; B-114868. June 29, 1977. 6 pp. + 7 enclosures (14 pp.).

Report to Sen. James Abourezk, Chairman, American Indian Policy Review Commission; by Elmer B. Staats, Comptroller General.

Issue Area: Accounting and Financial Reporting (2800).

Contact: General Government Div.

Budget Function: General Government: Legislative Functions (801).

Congressional Relevance: Congress: American Indian Policy Review.

Authority: P.L. 93-580. P.L. 95-5.

The audit of the American Indian Policy Review Commission disclosed that the Commission's management and operations were generally conducted orderly and professionally, although in some cases inappropriate contracting procedures were followed and some questionable disbursements were made. Findings/Conclusions: In accordance with existing legislation, the Commission approved a six-member Commission staff and established 11 task forces to gather facts and other necessary information for the comprehensive investigation and study of Indian affairs. At its business meetings, the Commission acted on policy matters and reviewed the scope, plan of operations, and progress of the various investigative task forces. Each of the task forces submitted the required quarterly reports and final reports and recommendations to the Commission in a reasonably timely manner. The Commission prepared a tentative final report and a final report to the Congress in a timely manner. The Commission developed a budgeting, accounting, and financial reporting system to control its financial operations. Budgets were developed for each task force and the Commission staff. In three cases the Commission did not obtain the required approval for contracts or modification before proceeding with work. Questionable disbursements by the Commission involved double payments for air travel, payments for consultants' services, and travel expenses not required for official purposes. (SC)

02477-2904



**REPORT OF THE  
COMPTROLLER GENERAL  
OF THE UNITED STATES**

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**Review Of American Indian  
Policy Review Commission**

United States Congress



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

B-114868

The Honorable James Abourezk, Chairman  
American Indian Policy Review Commission  
Congress of the United States

Dear Mr. Abourezk:

This report presents the results of our audit which was made in response to your August 5, 1976, letter requesting us to review the organization, operation, management, accounting, and control of the American Indian Policy Review Commission. Our audit was directed toward ascertaining whether the Commission carried out its activities in accordance to the provisions of its authorizing legislation and whether these activities were properly managed and controlled.

BACKGROUND

The Commission was established on January 2, 1975, by Public Law 93-580, to conduct a comprehensive review of Indian affairs. The law specified (1) the Commission's organizational structures, (2) areas of Indian affairs to be investigated, and (3) reporting requirements. The legislation authorized \$2.5 million for the Commission's activities and provided that the Commission would expire not later than June 30, 1977. Public Law 95-5, approved February 17, 1977, authorized an additional \$100,000 for Commission activities.

ORGANIZATION AND MANAGEMENT

Commission structure

The authorizing legislation prescribed an organizational structure for the Commission; six members of the Commission were appointed from the Congress--three each from the Senate and the House of Representatives--who selected five Indians to serve on the Commission. The Indians included three from Indian tribes recognized by the Government, one from a group not recognized by the Government, and one representing urban Indians. (See app. I.)

Commission staff

In accordance with the law, the Commission approved a six-member Commission staff (core staff), which included a director, a general counsel, a professional staff member, and three clerical assistants. (See app. II.)

Task forces

The law required the Commission to establish task forces to gather facts and other necessary information for the comprehensive investigation and study of Indian affairs. The Commission established 11 task forces to investigate the following subjects.

1. Trust responsibility and Federal-Indian relationship.
2. Tribal government.
3. Federal administration and structure of Indian affairs.
4. Federal, State, and tribal jurisdiction.
5. Indian education.
6. Indian health.
7. Reservation and resource development and protection.
8. Urban and rural nonreservation Indians.
9. Indian law revision, consolidation, and codification.
10. Terminated and nonfederally recognized tribes.
11. Alcohol and drug abuse.

At its business meetings, the Commission acted on policy matters and reviewed the scope, plan of operations, and progress of the various investigative task forces.

The law prescribed that each task force be composed of three persons, a majority of whom should be of Indian descent. The 33 original task force members appointed by the Commission consisted of 31 persons of Indian descent, representing 27 different tribes, and 2 non-Indians. (See app. III.)

### Support staff

Public Law 93-580 authorized the Commission to hire, in addition to the six statutory positions, staff to provide administrative and clerical support to the task forces. Public Law 93-580, as amended in August 1975, authorized the Commission to (1) accept voluntary contributions of services, (2) utilize the services, information, facilities, and personnel of the Government's executive departments and agencies with or without reimbursement, and (3) procure the services of consultants, experts, or organizations on a temporary or intermittent basis.

The Commission began operating in March 1975 when the Director and General Counsel were hired; the other four statutory staff positions were filled in April and June 1975. Between June 1975 and December 31, 1976, the Commission employed 140 different persons to provide administrative and clerical support to the task forces; this support ranged from 5 persons in June 1975 to 76 in June 1976. In addition, through December 31, 1976, the Commission hired approximately 100 consultants on an intermittent basis.

The Commission also benefited from volunteers, donated services and funds, and services of individuals furnished by the Department of Health, Education, and Welfare on a non-reimbursable basis. (See apps. VI and VII.) In addition, the Committee on House Administration provided free office space, furnishings, equipment, and utilities to the Commission.

### Reporting requirements

Public Law 93-580 specified that each task force provide quarterly progress reports to the Commission. In addition, within 1 year from the appointment of task force members, each task force was to submit to the Commission its final report of investigations and studies and its recommendations. The law, as amended, also required the Commission to submit its final report and recommendations to the President of the Senate and the Speaker of the House of Representatives within 9 months after receiving the task force reports. The law made the director responsible for coordinating the independent efforts of the task forces to insure that the data in the final report and the Commission's recommendations correlated. In accordance with the time extension provided by Public Law 95-5, the Commission was to submit its final report to the Congress by May 18, 1977.

Each of the task forces submitted the required quarterly reports and its final report and recommendations to the Commission in a reasonably timely manner.

The Commission prepared a tentative final report and distributed 1,000 copies to tribes, Indian interest organizations, Federal and State agencies, Members of Congress, and others for review and comment. After considering the review comments the Commission prepared and submitted its final report in May 1977 to the President of the Senate and the Speaker of the House of Representatives.

#### FINANCIAL OPERATIONS, ACCOUNTING AND CONTROL

Public Law 93-580 authorized \$2.5 million for the Commission's operations; it also provided that the Commission pay salaries and expenses from the Senate contingency fund pending the appropriation of funds. Payments from the contingency fund were to be charged against the authorization. Through December 31, 1976, appropriations to the Commission totaled \$2,448,878, and the Commission reported expenditures from the Senate contingency fund of \$51,084.32. This accounts for all but \$37.68 of the initial authorization. (See app. IV.)

In addition to providing the Commission with an extension of time for submitting its final report to the Congress, Public Law 95-5 authorized an additional \$100,000 for Commission expenses.

The Commission developed a detailed budgeting, accounting, and financial reporting system to control its financial operations. Budgets were developed for each task force and the Commission staff. Financial statements showing the status of task force and Commission activities were prepared monthly. In general, the aggregate expenses for the task forces and the core staff as of December 31, 1976, compared favorably with the established budgets. (See app. V.)

#### MANAGEMENT GENERALLY SATISFACTORY

Our examination disclosed that the Commission's management and operations were generally conducted orderly and professionally. In some cases, however, inappropriate contracting procedures were followed and some questionable disbursements were made.

Inappropriate contracting procedures

In three cases the Commission did not obtain the required approval for contracts or modification from the Senate Committee on Rules and Administration before proceeding with work. The Commission staff explained to us that the counsel for the Committee on Rules and Administration had advised them that they could proceed pending formal approval by the Committee.

In one instance, we noted that the terms of a contract were modified by a task force chairwoman to reduce the scope of work without the prior or subsequent approval of the Chairman of the Senate Committee on Rules and Administration. This resulted in a dispute between the Commission staff and the contractor over the amount to be paid for his services. In two other instances, we noted that the Committee had not approved proposed contracts until after the contractors began working. Although there had been no problems concerning these two contracts, the failure to obtain the required prior approval could have had an adverse effect on the Commission's activities.

Questionable disbursements  
to be reviewed by staff

Some payments made by the Commission, involving relatively minor amounts, were questionable including (1) double payments for air travel, (2) payments for services of part-time consultants, task force consultants, and members without proper supporting documentation, and (3) payments for travel costs of a task force specialist which were not required for official purposes.

For example, our test of payments made for Commission expenses showed that a travel agency was paid \$213.46 for an airline ticket for a trip between Pendleton, Oregon, and Denver, Colorado, on August 3-6, 1976. The traveler was also reimbursed \$213.11 on his voucher for an airline ticket covering transportation costs between the same cities on the same dates. Also, our test showed that a task force member was paid \$384.21 for 4-days work in September 1975. The supporting time reports show only 3 days worked.

We discussed the questionable disbursements with the Commission staff who agreed to reexamine these types of disbursements and to pursue recovery action where circumstances warranted.

SCOPE OF EXAMINATION

We made our examination in accordance with generally accepted auditing standards and included a review of the organization, operation, management, accounting, and control of the Commission; a review of books and records and selected transactions; and such other auditing procedures as we considered appropriate.

OPINION ON FINANCIAL STATEMENTS

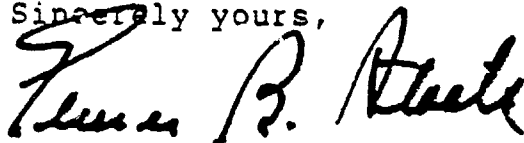
We prepared the accompanying financial statements (schs. 1, 2, and 3) from the Commission's accounting records. These statements did not include the cost of certain benefits and services--such as space, utilities, and various administrative services--that were furnished to the Commission without charge.

In our opinion, schedules 1, 2, and 3, which were prepared in accordance with the financial arrangements described above, present fairly the financial position of the American Indian Policy Review Commission at December 31, 1976, and the costs incurred through that date.

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We are sending copies of this report to the Vice Chairman and the other congressional members of the American Indian Policy Review Commission.

Sincerely yours,



Comptroller General  
of the United States



## SCHEDULES

AMERICAN INDIAN POLICY REVIEW COMMISSIONBALANCE SHEETDECEMBER 31, 1976ASSETS

Petty cash:			
In bank	\$ 1,618.19		
On hand	25.05		
Outstanding advances	2,415.00		
Unreimbursed expenditure receipts	441.76	\$ 4,500.00	
Unexpended appropriations		151,326.31	
Unappropriated authorization		37.68	
Total		<u>\$155,863.99</u>	

LIABILITIES AND UNAPPLIED AUTHORIZATIONLIABILITIES:

Petty cash advance from the Senate		\$ 4,500.00
Accounts payable		<u>55,506.46</u>
Total		<u>\$ 60,006.46</u>

UNAPPLIED AUTHORIZATION:

Available appropriations	\$95,819.85	
Authorization not funded	37.68	<u>95,857.53</u>
Total liabilities and unapplied authorization		<u>\$155,863.99</u>

AMERICAN INDIAN POLICY REVIEW COMMISSION  
SUMMARY STATEMENT OF APPROPRIATED FUND EXPENSES  
JULY 1, 1975, THROUGH DECEMBER 31, 1976

Classification	Members			Consultants/specialists			Other expenses	Total
	Compensation	Travel	Travel	Compensation	Travel	Travel		
Task forces:								
1	\$ 34,194.78	\$ 11,859.12	\$ 5,911.92	\$ 30,572.91	\$ 5,911.92	\$ 5,911.92	\$ 5,788.57	\$ 88,327.30
2	32,322.57	16,565.83	43,912.73	43,912.73	15,890.09	15,890.09	2,273.09	110,964.31
3	29,188.24	23,563.90	61,437.81	61,437.81	28,749.89	28,749.89	3,536.02	146,475.86
4	74,061.69	23,679.12	35,027.82	35,027.82	20,892.26	20,892.26	11,790.50	115,451.39
5	5,619.77	17,344.15	35,380.04	35,380.04	7,312.73	7,312.73	20,587.61	126,244.30
6	11,463.52	22,985.97	34,197.22	34,197.22	8,924.43	8,924.43	7,945.44	95,516.58
7	13,331.26	15,198.39	51,505.68	51,505.68	28,346.46	28,346.46	266.46	108,648.25
8	45,410.05	27,318.99	24,535.49	24,535.49	9,179.76	9,179.76	4,911.69	111,355.98
9	34,392.15	6,355.87	43,152.36	43,152.36	5,074.42	5,074.42	773.98	89,748.78
10	50,292.87	20,858.14	36,268.01	36,268.01	10,694.32	10,694.32	8,071.87	126,185.21
11	16,766.28	13,431.78	21,776.79	21,776.79	13,162.34	13,162.34	5,313.67	72,450.84
Total for task forces	\$349,043.16	\$199,161.26	\$417,766.66	\$417,766.66	\$154,138.62	\$154,138.62	a/\$ 71,258.90	\$1,191,368.80

Core unit: Congressional commissioners Indian commis- stoners Staff Support to task forces and Commission Consultants BIA (note c) management study contract

Total for core	53,917.88	29,537.61	1,752.83	1,752.83				1,752.83
Staff	186,276.23	27,564.78					b/ 164,770.68	83,455.49
Support to task forces and Commission	415,663.65							380,611.69
Consultants								415,663.65
BIA (note c) management study contract							104,645.63	176,001.82
Total for core	557,857.76	58,855.22	109,052.68	109,052.68	66,949.14	66,949.14	269,416.31	1,162,131.11
Total	\$1,006,900.92	\$258,016.48	\$526,819.54	\$526,819.54	\$221,087.76	\$221,087.76	\$340,675.21	\$2,353,499.91

a/Includes expenses for hearings and contracted studies.  
 b/Includes expenses for communications, office supplies, printing and reproductions, hearings, and government contributions.  
 c/Bureau of Indian Affairs.

AMERICAN INDIAN POLICY REVIEW COMMISSIONSUMMARY STATEMENT OF SENATE CONTINGENT FUND EXPENDITUREMARCH 5, 1975, THROUGH JUNE 30, 1975

## Compensation:

Indian commissioners	\$ 4,795.35
Staff	27,370.78
Support to Commission	696.25
Consultants	<u>5,293.59</u>

\$38,155.97

## Travel:

Indian commissioners	4,299.30
Staff	354.08
Consultants	<u>3,159.63</u>

7,813.01

## Other expenses

5,115.34

## Total

\$51,084.32

AMERICAN INDIAN POLICY REVIEW COMMISSION  
STATEMENT OF FUNDS PROVIDED AND APPLIED  
MARCH 5, 1975; THROUGH DECEMBER 31, 1976

Funds provided:	
Senate Contingent Fund	\$ 51,084.32
Appropriations	2,448,878.00
Petty cash advance from the Senate	<u>4,500.00</u>
Total	<u>\$2,504,462.32</u>
Funds applied:	
Commission expenses	
Senate Contingent Fund (see sch. 3)	\$ 51,084.32
Appropriations (see sch. 2)	<u>2,353,499.91</u>
	2,404,584.23
Cash available for expenditure	4,058.24
Available appropriations	<u>95,819.85</u>
Total	<u>\$2,504,462.32</u>

**APPENDIXES**

AMERICAN INDIAN POLICY REVIEW COMMISSION MEMBERSCONGRESSIONAL

## Senate:

The Honorable James Abourezk, Chairman  
The Honorable Lee Metcalf  
The Honorable Mark O. Hatfield

## House of Representatives:

The Honorable Lloyd Meeds, Vice Chairman  
The Honorable Sidney R. Yates  
The Honorable Sam Steiger (note a)  
The Honorable Don Young (note b)

INDIANTribes recognized by the  
Federal Government:

Ada Deer--Menominee  
Jake Whitecrow--Quapaw-Seneca-Cayuga  
John Borbridge--Tlingit-Haida

Tribe not recognized by  
the Federal Government:

Dr. Adolph L. Dial--Lumbee

## Urban Indians:

Louis R. Bruce--Mohawk-Sioux

a/Through 94th Congress.

b/Appointed in February 1977.

AMERICAN INDIAN POLICY REVIEW COMMISSIONBASIC STAFF

## Director:

Ernest L. Stevens--Oneida

## General Counsel:

K. Kirke Kickingbird--Kiowa (note a)

## Professional staff member:

Max I. Richtman

## Clerical assistants:

Ernestine E. Ducheneaux--Salish and Kootenai

Rosemarie Cornelius--Sioux-Oneida (note b)

Winona G. Jamieson--Seneca

Carole Roop (note c)

a/Services terminated in November 1976.b/Services terminated in October 1976.c/Appointed in October 1976.



AMERICAN INDIAN POLICY REVIEW COMMISSIONTASK FORCE STUDY AREAS AND MEMBERS

## Task forces:

## 1--Trust responsibility and Federal-Indian relationship

Hank Adams--Assiniboine-Sioux  
 John Echohawk--Pawnee  
 Douglas Nash--Nez Perce

## 2--Tribal government

Wilbur Atcitty--Navajo  
 Alan Parker--Chippewa-Cree  
 Jerry Flute--Sisseton-Wahpeton Sioux

## 3--Federal administration and the structure of Indian affairs

Sam Deloria--Standing Rock Sioux  
 Mel Tonasket--Colville  
 Ray Goetting--Caddo

## 4--Federal, State, and tribal jurisdiction

Sherwin Broadhead  
 Judge William Roy Rhodes--Pima  
 Matthew Calac--Rincon

## 5--Indian education

Helen Schierbeck--Lumbee  
 Abe Plummer--Navajo  
 Earl Barlow-- Blackfeet (note a)  
 Lorraine Misiaszek--Colville (note b)

## 6--Indian health

Dr. Everett R. Rhoades--Kiowa  
 Luana Reyes--Colville  
 Lillian McGarvey--Aleut

a/Resigned in January 1976.

b/Appointed in February 1976.

## Task forces:

7--Reservation and resource development and protection

Peter MacDonald--Navajo  
Ken Smith--Warm Springs  
Philip Martin--Mississippi Choctaw

8--Urban and rural nonreservation Indians

Al Elgin--Pomo  
Gail Thorpe--Sac and Fox  
Edward Mouss--Creek-Cherokee

9--Indian law revision, consolidation, and codification

Peter Taylor  
Yvonne Knight--Ponca  
Browning Pipestem--Otoe-Missoura, Osage

10--Terminated and nonfederally recognized tribes

Jo Jo Hunt--Lumbee  
John Stevens--Passamaquoddy  
Robert Bojorcias--Klamath

11--Alcohol and drug abuse

Reuben Snake--Winnebago-Sioux  
Robert Morre--Seneca (note a)  
George Hawkins--Southern Cheyenne

a/Resigned in January 1976.

AMERICAN INDIAN POLICY REVIEW COMMISSIONAUTHORIZATION AND APPROPRIATIONSDECEMBER 31, 1976

Total amount authorized (Public Law 93-580)		\$2,500,000.00
Amount paid from Senate Contingent Fund	\$ 51,084.32	
Fiscal year 1976 ap- propriations (Public Law 94-59)	1,500,000.00	
Transition period ap- propriation (Public Law 94-59)	<u>a/300,000.00</u>	
Fiscal year 1976 supple- mental (Public Law 94-157)	385,168.00	
Transition period supple- mental (Public Law 94-157)	<u>a/710.00</u>	
Fiscal year 1977 appropria- tion (Public Law 94-440)	<u>b/263,000.00</u>	<u>2,499,962.32</u>
Unappropriated authorization	<u>c/\$</u>	37.68

a/The transition period was July 1, 1976, through Sept. 30, 1976.

b/Public Law 94-440 provided that not to exceed \$100,000 of the funds appropriated for the Commission for fiscal year 1976 and the transition period shall remain available until June 30, 1977.

c/Public Law 95-5 provided the Commission with an additional \$100,000 authorization.

AMERICAN INDIAN POLICY REVIEW COMMISSION  
COMPARISON OF BUDGETS AND EXPENSES  
FOR TASK FORCES AND CORE STAFF  
MARCH 5, 1975, THROUGH DECEMBER 31, 1976

<u>Classifi- cation</u>	<u>Budget</u>	<u>Expenses March 5, 1975, through December 31, 1976</u>	<u>Percent of budget</u>	<u>Balance</u>
Task forces:				
1	\$ 91,208	\$ 88,327.30	96.8	\$ 2,880.70
2	111,442	110,964.31	99.6	477.69
3	143,025	146,475.86	102.4	(3,450.86)
4	111,733	115,451.39	103.3	(3,718.39)
5	124,642	126,244.30	101.3	(1,602.30)
6	80,100	95,516.58	119.2	(15,416.58)
7	110,673	108,648.25	98.2	2,024.75
8	109,875	111,355.98	101.3	(1,480.98)
9	99,333	89,748.78	90.4	9,584.22
10	120,535	126,185.21	104.7	(5,650.21)
11	<u>73,325</u>	<u>72,450.84</u>	98.8	<u>874.16</u>
Task force total (note a)	1,175,891	1,191,368.80	101.3	(15,477.80)
Core staff (note b)	<u>1,265,187</u>	<u>1,162,131.11</u>	91.9	<u>103,055.89</u>
Total appro- priated funds	2,441,078	2,353,499.91	96.4	87,578.09
Total core staff (note b) contingent fund	<u>75,385</u>	<u>51,084.32</u>	67.8	<u>24,300.68</u>
Total	<u>\$2,516,463</u>	<u>\$2,404,584.23</u>	95.6	<u>\$111,878.77</u>

a/Includes expenses of task force members, specialists, researchers, and consultants only.

b/Includes expenses of Commission members, general consultants, core staff members, and assistance to task forces.

AMERICAN INDIAN POLICY REVIEW COMMISSION  
EXAMPLES OF VOLUNTARY AND NONREIMBURSABLE

PERSONAL SERVICES

<u>Voluntary</u>	<u>Commission position or title</u>	<u>Period</u>	<u>Employer</u>
Arnold T. Anderson	Special Assistant to Commission	Sept. 1975 to present	Union Carbide Corporation
Roger Buffalohead	Commission Consultant	Feb. 1976 to June 1976	Indian Studies Center, University of Washington
Thomas Fassett	Communications Director	Sept. 1975 to Feb. 1976	Xerox Corporation
Alton Hunt	Task Force Consultant	July 1976 to Aug. 1976	None--retired
Robert Leatherman	do.	Mar. 1976 to June 1976	Department of Housing and Urban Development
W. Joseph Potts	do.	Apr. 1976 to June 1976	Searle Laboratories
Dr. Sam Stanley	do.	Feb. 1976 to Apr. 1976	Smithsonian Institution
Al Trimble	Commission Consultant	Feb. 1975 to May 1976	Opitla Sioux Tribe
Mary Young	do.	Feb. 1976 to Sept. 1976	Department of History, Rochester State University (New York)
<u>Nonreimbursable</u>			
Al Cayous	Task Force Specialist	Oct. 1975 to July 1976	Indian Health Service, Department of Health, Education, and Welfare
Stephen LaBoueff	do.	Jan. 1976 to July 1976	do.

AMERICAN INDIAN POLICY REVIEW COMMISSIONEXAMPLES OF PRINTING AND OTHER DONATIONS

<u>Printed material</u>	<u>Number of copies each</u>	<u>Furnished without cost to Commission by:</u>
Task force reports no. 1 through no. 11	1,000	Government Printing Office
Bureau of Indian Affairs-- Management Study	1,000	do.
Special Joint Task Report on Alaskan Native Issues	1,000	do.
Interim Task Force Report	5,000	Union Carbide Cor- poration
Summary Task Force Reports	5,000	do.
Nations Within a Nation	5,000	do.
 <u>Other donations</u>	 <u>Estimated value</u>	 <u>Donors</u>
"Act Now"--narrative film describing Commission Funding for questionnaires and interviews - Task force no. 2	\$50,000  60,000	Union Carbide Cor- poration  Donner Foundation