



United South and Eastern Tribes, Inc.

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USET Resolution No. 2013:045

REQUEST THAT THE ADMINISTRATION RESOLVE CONTRACT SUPPORT COSTS CLAIMS, WITHDRAW ITS PROPOSAL TO LIMIT CONTRACT SUPPORT COSTS IN ITS FY 2014 BUDGET, AND SUPPORT FULL CONTRACT SUPPORT COSTS FUNDING

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-six (26) federally recognized Tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors comprises delegates from the member Tribes' leadership; and
- WHEREAS,** the Indian Self Determination and Education Assistance Act states that the United States is obligated to support Indian self-determination, and the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) often state they are similarly committed to this goal; and
- WHEREAS,** Congress finds that contracts and compacts under the Indian Self-Determination and Self-Governance programs are an effective means of implementing the Federal policy of government-to-government relations that strengthen the policy of Indian self-determination; and
- WHEREAS,** in recognition of their trust responsibility to Tribes, the IHS and the BIA enter into such contracts and compacts to promote self-determination and to better serve American Indians and Alaska Native peoples; and
- WHEREAS,** despite this responsibility, the IHS and BIA fail every year to request full funding for contract support costs (CSC) that enable Tribal contractors to fully carry out their contract responsibilities, and each year Congress fails to appropriate the full amount of CSC owed to Tribal contractors; and
- WHEREAS,** the U.S. Supreme Court held in *Salazar v. Ramah Navajo Chapter* that the federal government is responsible for paying all CSC owed to Tribal contractors, even if Congress does not appropriate enough funding to cover the full amount of CSC owed to all contractors; and
- WHEREAS,** as a result of this decision, Tribal contractors have presented their claims for full CSC funding from past years to the government, or have filed similar claims in federal court under the Contract Disputes Act in hopes of resolving these claims with the agency; and
- WHEREAS,** instead of requesting full funding for CSC in its FY 2014 budget to prevent similar claims going forward, the Obama Administration submitted a proposal to cap CSC funding on a contractor-by-contractor basis that will prevent Tribes from filing Contract Dispute Act claims or otherwise recovering the full amount of CSC owed; and

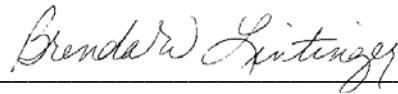
- WHEREAS,** the Obama Administration has submitted this unjust plan to Congress without any consultation with Tribes, in violation of its own stated policies and executive orders; and
- WHEREAS,** Indian Tribes have been unanimous and adamant in their opposition to the proposal to cap CSC funding or to eliminate a contractor's right to recovery; and,
- WHEREAS,** in December 2010 the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it
- RESOLVED** the USET Board of Directors calls upon the Obama Administration, the Bureau of Indian Affairs, and the Indian Health Service to move swiftly to settle or otherwise resolve all outstanding contract support costs claims from prior years; and, be it further
- RESOLVED** the USET Board of Directors calls upon the Obama Administration, the Bureau of Indian Affairs, and the Indian Health Service to formally withdraw the Administration's FY 2014 budget proposal regarding contract support costs owed to Tribal contractors, and to communicate the same to the Budget and Appropriations Committees of the U.S. Congress; and, be it further
- RESOLVED** the USET Board of Directors calls upon the Obama Administration, the Bureau of Indian Affairs, and the Indian Health Service to propose full funding for contract support costs in FY 2014 and each year thereafter, and to communicate the same to the Budget and Appropriations Committees of the U.S. Congress.

CERTIFICATION

This resolution was duly passed at the USET Semi-Annual Meeting, at which a quorum was present, in Niagara Falls, NY, on Friday, May 17, 2013.



Brian Patterson, President
United South and Eastern Tribes, Inc.



Brenda Lintinger, Secretary
United South and Eastern Tribes, Inc.

“Because there is strength in Unity”