



United South and Eastern Tribes, Inc.

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USET Resolution No. 2014:027

REQUEST FOR THE INDIAN HEALTH SERVICE AND BUREAU OF INDIAN AFFAIRS TO BEGIN CONSULTATION WITH TRIBES ON FORMULATING A PLAN TO ADDRESS FUNDING OF CONTRACT SUPPORT COSTS

- 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 Education and Assistance Act (ISDEAA) states that the United States (U.S.) is obligated to support Indian Self-Determination, and the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) often state that they are similarly committed to this goal; and
- WHEREAS,** the U.S. 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 in support of that strengthen the policy of Indian Self-Determination; and
- WHEREAS,** in recognition of their trust responsibility to Tribes, the IHS and BIA enter into said contracts and compacts to promote self-determination and to better serve American Indian and Alaska Native peoples; and
- WHEREAS,** despite this responsibility, the IHS and BIA fail every year to request the full amount of funding needed 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,** despite the favorable U.S. Supreme Court decision in the *Salazar v. Ramah Navajo Chapter* case that stated that the Federal Government is responsible for paying all CSC owed to Tribal contractors, even if Congress did not appropriate enough funding; the Administration submitted a Fiscal Year 2014 proposal that would cap CSC funding on a contractor-by-contractor basis and would prevent Tribes from filing Contract Disputes Act claims and recovering the full amount of CSC owed; and
- WHEREAS,** to the advantage of Tribes and Tribal organizations, Congress rejected the Administration's proposal and affirmed that Tribes and Tribal organizations are afforded the right to full CSC payment under ISDEAA;

- WHEREAS,** Congress further removed the caps on aggregate CSC spending that had been imposed in recent years, making CSC payable from each agency's appropriation; and
- WHEREAS,** the IHS reports that in FY2014 in order to fund Congressional mandates and the full payment of contract supports costs, it will be necessary to cut Direct Program services by approximately \$4 million to \$24 million; and
- WHEREAS,** through the FY 2014 Consolidated Appropriations Act, Congress directed the IHS and BIA "to consult with the Tribes and work with the House and Senate committees of jurisdiction, the Office of Management and Budget, and the Committees on Appropriations to formulate a long-term accounting, budget and legislative strategy" to address CSC funding; and
- WHEREAS,** Congress further directed the IHS and BIA to submit an Operating Plan (showing funding allocations to the activity level) to Congress within 30 days; and
- WHEREAS,** Tribes view the development of the Operating Plan as "a critical consultative event" and therefore consultation should occur immediately to obtain Tribal Government input in developing said plan prior to being submitted to Congress; and
- WHEREAS,** it is critical that Tribes be included in the decision making throughout this process; 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 strongly urges the Indian Health Service and Bureau of Indian Affairs to begin immediate efforts to consult with and solicit the advice of Tribes and Tribal organizations in formulating both the Operating and Work Plans to address Contract Support Costs funding as outlined by the United States Congress; and, be it further
- RESOLVED** the USET Board of Directors recommends that each Agency schedule their consultations jointly to conserve time and resources for the Tribes and to conduct both regional and national consultations; and, be it further
- RESOLVED** the USET Board of Directors calls upon the Office of Management and Budget to provide the Indian Health Service and Bureau of Indian Affairs an additional 30 days beyond the February 20, 2014, deadline to submit the Operating Plan in an attempt to afford each agency the opportunity to conduct meaningful consultation on such plan without delaying apportionment of funding to the agencies; and, be it finally
- RESOLVED** the USET Board of Directors urges the Indian Health Service and Bureau of Indian Affairs, working with Office of Management and Budget, to identify a way to fully fund Contract Support Costs without cutting program services.

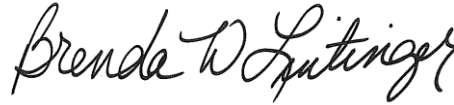
"Because there is strength in Unity"

CERTIFICATION

This resolution was duly passed at the USET Impact Week Meeting, at which a quorum was present, in Arlington, VA, on Thursday, February 6, 2014.



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



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

“Because there is strength in Unity”
