



Affiliated Tribes of Northwest Indians

2008 Winter Conference Yakima, Washington

RESOLUTION #08 - 04

"OPPOSITION OF THE NATIONAL BUSINESS CENTER INDIRECT COST RATE DECISION"

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, the Affiliated Tribes of Northwest Indians is a regional organization comprised of American Indians in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of Affiliated Tribes of Northwest Indians; and

WHEREAS, the U.S. Department of the Interior National Business Center (NBC) has revised allowable costs in accordance with 2 CFR 225 (formerly OMB Circular A-87), Appendix B, Section 19, and an OMB letter dated June 12, 2000, addressed to the Department of Interior Office of Inspector General, without any consultation with any of the tribes; and

WHEREAS, the NBC acting as an agent of the federal government, and specifically the Bureau of Indian Affairs, should also be subject to the requirements outlined in the BIA Tribal Consultation Policies; and

WHEREAS, indirect cost reimbursements are a critical component of tribal budgets, as tribes exercise their right to self-determination by taking on more responsibility for programs previously managed by the federal government, many of which arise from long-standing treaty obligations and Congress' efforts to implement the federal trust responsibility; and

WHEREAS, through self-governance compacts and under Public Law 93-638, the federal government has recognized that such services are best administered by the tribes; and

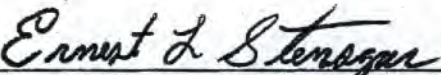
WHEREAS, unilateral changes to indirect cost reimbursement rates and procedures are also inconsistent with the federal government's obligation to negotiate in good faith with tribes on a government-to-government basis consistently with its trust responsibility, and are inconsistent with commitments made by the United States to the tribes in treaties, executive orders and statutes; now

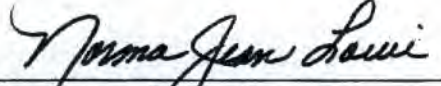
THEREFORE BE IT RESOLVED, that Affiliated Tribes of Northwest Indians does hereby insist that the National Business Center abandon its recently announced intention to disallow costs incurred by the Tribal Councils and in-house legal councils when carrying out P.L. 93-638 agreements; and

BE IT FURTHER RESOLVED, that the Department of Interior Bureau of Indian Affairs instruct the National Business Center to defer any unilateral changes to indirect cost rates for at least one year or until Tribal Consultation can be conducted.

CERTIFICATION

The foregoing resolution was adopted at the 2008 Winter Conference of the Affiliated Tribes of Northwest Indians, held at the Yakima Convention Center, Yakima, Washington on January 25, 2008, with a quorum present.


Ernest L. Stensgar, President


Norma Jean Louie, Secretary