



Affiliated Tribes of Northwest Indians

2008 Winter Conference Yakima, Washington

RESOLUTION #08 - 21

“OPPOSITION TO UNILATERAL CHANGES TO INDIRECT COST RATE CALCULATION POLICIES AND PRACTICES BY THE NATIONAL BUSINESS CENTER”

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 tribal right to self-government flows the inherent sovereignty of Indian Tribes and Nations and is recognized by the United States as part of the special

government-to-government relationship between Indian Tribes and Nations and the United States; and

WHEREAS, the National Business Center (NBC) has revised, without consultation or negotiation with Indian Tribes, its policies and procedures for establishing indirect cost rates, particularly indirect costs associated with work performed by tribal councils, and for reservation infrastructure necessary for the health and safety of reservation residents; and

WHEREAS, the NBC, acting as an agent of the Federal Government, and in particular the Indian Health Service and Bureau of Indian Affairs, should also be subject to the requirements outlined in both—the IHS and BIA Tribal Consultation Policies; and

WHEREAS, NBC's effort—acting as an agent of the Federal Government—to change long established reimbursement practices violates the federal policy of consultation with Indian Tribes before substantive changes are made and would undermine years of progress in the area of tribal indirect cost reimbursement; and

WHEREAS, in FY 2000, after tribal protests, the NBC abandoned a similar effort to stop reimbursing tribal costs when calculating indirect cost rate agreements; 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's 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 themselves, but this should not be used as an excuse to diminish federal support and commitment to the tribes and their members; and

WHEREAS, as tribal responsibilities for former federal programs increase, tribal councils have devoted an increasing share of their time and energy to administer these programs, and tribes have undertaken more direct responsibility to develop, operate and maintain important elements of reservation infrastructure necessary for the health and safety of reservation residents, both Indian and non-Indian; and

WHEREAS, as part of the compact and 638 contract processes, the federal government is required to negotiate indirect cost reimbursement rates which reflect the ongoing responsibilities of the federal government and tribes; and

WHEREAS, long-term agreements setting pre-determined rates are encouraged by federal law to promote stability in program governance, and sudden and unilateral pronouncements from the NBC which change the indirect cost reimbursement process or

reduce rates threaten to destabilize these programs and throw many tribal governments into financial crisis; and

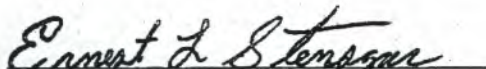
WHEREAS, unilateral changes to indirect cost reimbursement rates and procedures are also inconsistent with federal government's obligation to negotiate in good faith with tribes on a government-to-government basis consistently with its trust responsibility, and are inconsistent with commitments made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

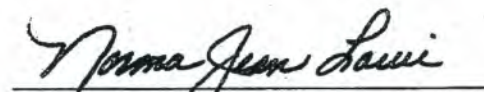
THEREFORE BE IT RESOLVED, that the Affiliated Tribes of Northwest Indians hereby insists that the National Business Center abandon its recently announced intention to disallow costs incurred by tribal councils when carrying out P.L. 93-638 agreements; and

BE IT FURTHER RESOLVED, that the Department of Interior, Indian Health Service and Bureau of Indian Affairs instruct the National Business Center to defer any rate negotiations for at least one year or until Tribal Consultation can be conducted with tribes on this matter.

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