



2010 Mid-Year Conference Grand Ronde, Oregon

RESOLUTION #10 – 30

"SUPPORT A FUNDING PLAN TO ADDRESS THE IHS BACKLOG OF CONTRACT SUPPORT COST FUNDING DURING THE OBAMA ADMINISTRATION"

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 ATNI is a regional organization comprised of American Indians/Alaska Natives in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the Indian Self-Determination and Education Assistance Act (ISDA), P.L. 93-638, 25 U.S.C. §450 et seq., requires the payment of certain fixed institutional overhead costs, known specifically as "Contract Support Costs" (CSC), to Tribes and tribal organizations that operate and manage programs formerly operated by the Indian Health Service (IHS) in the exercise of the federal government's trust responsibility to Indian Tribes, with these programs providing essential health care services to tribal members; and

WHEREAS, contract support costs include such fixed costs as financial and accounting services mandated by Federal law, personnel management, procurement management, and other administrative costs which Tribes must incur to carry out ISDA contracts, and which the IHS generally incur in carrying out such programs in the absence of an ISDA contract; and

WHEREAS, no other policy in the history of the United States than the ISDA has had the profound positive impact on Tribal governments, which has increased employment and economic opportunities, and reduced the federal bureaucracy which has resulted in more effective services for American Indian people; and

WHEREAS, in March 2005, the United States Supreme Court ruled in the case of Cherokee Nation v. Leavitt that IHS is contractually bound to pay full CSC to each tribal contractor, so long as IHS has sufficient appropriations to pay each Tribe, and that IHS is liable in a lawsuit for money damages if it fails to meet this obligation; and

WHEREAS, the President and Congress have committed to support and advance Indian Self-Determination and Self-Governance and consistent with that commitment in the FY 2010 Budget, President Obama successfully championed an unprecedented increase of \$115 million in CSC funding for the IHS to pay legal debts owed Tribes under their contracts with the government; and

WHEREAS, in order to fulfill this commitment and complete the process of honoring contracts awarded under the ISDA, the FY 2011 Budget should include an increase of \$149 million to pay the entire backlog of CSC that are owed as a result of past year's CSC under funding to Tribe's carrying out contracts with the federal government, which includes approximately \$10.4 million owed to Portland Area Tribes; and

WHEREAS, the political feasibility of receiving a \$149 million increase in a single appropriation year, in addition to the amount needed to maintain on-going CSC needs does not seem likely, therefore a plan is needed for the Administration and Congress to address this issue; now

THEREFORE BE IT RESOLVED, that ATNI acknowledges the Administration's commitment to support Indian Self-Determination and Self-Governance; and

BE IT FUTHER RESOLVED that ATNI hereby supports a plan for the Administration to continue to honor on-going CSC requirements by including a budget request to fund 100% of the inflation costs related to on-going CSC requirements; and

BE IT FURTHER RESOLVED, that ATNI supports a plan by the Administration and Congress to reduce completely the backlog of CSC that the IHS owes tribes by including annually for the next three fiscal years (FY 2011, FY 2012, and FY 2013) one-third the amount owed by the IHS as reported on the annual IHS CSC Shortfall Report submitted to Congress (estimated to be \$146 million in FY 2011).

CERTIFICATION

The foregoing resolution was adopted at the 2010 Mid-Year Conference of the Affiliated Tribes of Northwest Indians, held at the Spirit Mountain Hotel Casino in Grand Ronde, Oregon, May 17-20, 2010 with a quorum present.

Brian Cladoosby, President

Norma Jean Louie, Secretary