



**NORTHWEST  
PORTLAND  
AREA  
INDIAN  
HEALTH  
BOARD**

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Chehalis Tribe  
Coeur d' Alene Tribe  
Colville Tribe  
Coos, Suislaw &  
Lower Umpqua Tribe  
Coquille Tribe  
Cow Creek Tribe  
Cowlitz Tribe  
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Hoh Tribe  
Jamestown S' Klallam Tribe  
Kalispel Tribe  
Klamath Tribe  
Kootenai Tribe  
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Lummi Tribe  
Makah Tribe  
Muckleshoot Tribe  
Nez Perce Tribe  
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Port Gamble S' Klallam Tribe  
Puyallup Tribe  
Quileute Tribe  
Quinalt Tribe  
Samish Indian Nation  
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Shoalwater Bay Tribe  
Shoshone-Bannock Tribe  
Siletz Tribe  
Skokomish Tribe  
Snoqualmie Tribe  
Spokane Tribe  
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Stillaguamish Tribe  
Suquamish Tribe  
Swinomish Tribe  
Tulalip Tribe  
Umatilla Tribe  
Upper Skagit Tribe  
Warm Springs Tribe  
Yakama Nation

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**Resolution #12-04-04**

**“Support for a Supplemental Appropriation to fund BIA and IHS  
Contract Support Cost Requirements as a result of recent Supreme  
Court Decisions”**

**WHEREAS**, the Northwest Portland Area Indian Health Board (hereinafter “NPAIHB” or the “Board”) was established in 1972 to assist Tribal governments to improve the health status and quality of life of Indian people; and

**WHEREAS**, the NPAIHB is a “tribal organization” as defined by the Indian Self-Determination and Education Assistance Act (P.L. 93-638 seq. et al) that represents forty-three federally recognized tribes in the states of Idaho, Oregon, and Washington; and

**WHEREAS**, in accordance with the definitions of the Indian Self-Determination and Education Assistance Act at 25 USCS § 450b, a tribal organization is recognized as a governing body of any Indian tribe and includes any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; and

**WHEREAS**, the NPAIHB is dedicated to assisting and promoting the health needs and concerns of Indian people; and

**WHEREAS**, the primary goal of the NPAIHB is to improve the health and quality of life of its member Tribes; and

**WHEREAS**, on March 1, 2005, the United States Supreme Court unanimously held the United States liable in money damages for failing to pay full Contract Support Cost (CSC) funds owed to Tribes under Indian Self-Determination and Education Assistance Act (ISDEAA, P.L. 93-638) contracts and compacts; and

**WHEREAS**, on June 18, 2012, the United States Supreme Court ruled in favor of the Pueblo of Zuni and all other Tribes and tribal organizations with contract support cost claims that the government is liable if it fails to pay full CSC funds, so long as the agency [Bureau of Indian Affairs (BIA) or Indian Health Service (IHS)] has enough funds to pay each contractor in full; and

**WHEREAS**, these landmark decisions could result in the IHS having to reprogram health services funding to cover the Agency’s unfunded obligations to ISDEAA contractors and compactors and such reprogramming could adversely affect the levels of health care services to American Indian and Alaska Native people; and

**WHEREAS**, the failure to request and adequately fund CSC need is not the fault of AI/AN patients that would adversely be affected by a reduction of health care services as a

consequence of IHS reprogramming funds to meet CSC obligations under the Supreme Court rulings.

**NOW THEREFORE BE IT RESOLVED**, that the NPAIHB urge the Congress to fully fund past year's CSC shortfalls and current CSC need so that the IHS will not have to offset any Sub-Sub Accounts in order to fund CSC requirements as a consequence of the recent Supreme Court decisions.

**BE IT FURTHER RESOLVED**, that the NPAIHB urge and support the Congress to provide a supplemental appropriation to address the BIA and IHS funding requirements of the recent Supreme Court decisions.

**CERTIFICATION**

NO. 12-04-04

The foregoing resolution was duly adopted at the regular session of the Northwest Portland Area Indian Health Board. A quorum being established; 28 for, 0 against, 0 abstain on June 21, 2012.

Andrew C. Joseph Jr.  
Chairman

6-21-12  
Date

Brenda Niff  
Secretary