

PLEASE SAVE THE DATE

“Tribal Contract Support Cost Summit”

To be held on:

July 31 – August 1, 2013

Location to be determined in
Seattle, WA or
Portland, OR

Sponsored by:



Alaska Native
Health Board



Alaska Native Tribal
Health Consortium



California Rural
Indian Health Board



Northwest Portland
Area Indian Health
Board



United South and
Eastern Tribes, Inc.

National Tribal
Contract
Support Cost
Coalition
Members

Tribal Contract Support Cost Summit

July 31 – August 1, 2013

(Location TBD: Portland, OR or Seattle, WA)

What is the Contract Support Cost Summit?

The Contract Support Cost (CSC) summit will bring together contract support cost legal and Indian Health Service (IHS) finance experts to present on recent CSC issues. The CSC Summit will provide Tribal leaders, CEOs, general managers, health directors, and others an opportunity to begin a dialogue on these issues with the eventual hope of developing a common position on recent CSC issues that can be shared with those in the Administration that have responsibility on CSC policy. Invited participants are limited to tribes, tribal organizations, and their designees responsible for operating federal programs under the Indian Self-Determination and Education Assistance Act.

Background

The Indian Self-Determination and Education Assistance Act of 1975 (ISDEAA) was passed by Congress to encourage tribal participation in, and management of, federal programs that historically were administered by the Federal government.

The ISDEAA requires the federal government to fund reasonable costs of activities that Tribes must perform in order to manage these contracted programs. These costs, referred to as contract support costs (CSC), have grown considerably over the past 30 years, and the lack of appropriations to fund them has resulted in a backlog of CSC claims filed against the government. It has also resulted in new policy proposals by IHS, BIA and the Administration.

In 2005, the Supreme Court established in the Cherokee case that the federal government remains responsible for paying full tribal contract support costs so long as it has a sufficient overall appropriation from Congress. It also ruled that a Tribe is entitled to pursue damages when it is underpaid by the government. In 2012 the Supreme Court reiterated in the Ramah case that Tribes are entitled to be paid their full contract support costs and must be paid just like any other federal government contractor.

These two court rulings should have brought an end to the CSC underfunding. Instead, the government has come up with new ways to try to limit its liability. For instance, it is now trying to treat tribes as if they were cost-reimbursable contractors, and denying the government's responsibility to pay what it was obligated to pay each year by each Tribe's contract and by the statute. More recently, the President's FY 2014 Budget to Congress proposes to cut off all tribal rights to sue in the future over contract underpayments. In short, the issue is far from being resolved.

Purpose of this Meeting

In the wake of these policy developments, Tribes and tribal organizations have requested technical assistance on several CSC issues that include submitting past year's claims, how to document "incurred" CSC, addressing concerns about providing tribal data to the federal government, how to go about fairly and quickly settling past years' claims, and developing recommendations and consensus positions on the

options for Congress and the Administration to resolve the dilemma of chronic CSC underfunding. The objectives of the Tribal Contract Support Cost Summit are to:

- ❖ Provide an update on CSC litigation and the federal agencies' response to the recent Supreme Court decisions;
- ❖ How to respond to IHS requests to settle past year claims; and develop a common position or response that Tribes can use to assist them in their negotiations with IHS;
- ❖ What documentation is being provided to IHS to satisfy the Agency's insistence of proof that CSC costs were "incurred"? Is it adequate and will it substantiate actual CSC costs to verify the documented shortfall? If it does not, why not and what more can be done to assist Tribes in this process?
- ❖ Begin a dialogue on the five options the Supreme Court noted in the Ramah decision. Can Tribes begin to develop recommendations on any of the options?
- ❖ How should Tribes prepare and participate in the upcoming DOI/IHS consultations and Congressional oversight hearings on contract support costs.
- ❖ What accounting strategies are available to Tribes to better protect tribal interests and secure full CSC payments?

Who can and should attend?

Participation in the Tribal CSC Summit is by invitation only. Participation is limited to elected tribal leaders, tribal health directors, tribal general managers and financial officers, or other tribal personnel responsible for contract support cost issues. Tribal attorneys and technical consultants representing tribes may also attend. Due to the limited funding and size of the room we respectfully request that you RSVP for this very important meeting.

Is there a cost to attend?

There is no cost to attend this meeting nor is travel assistance available for you to attend. Your participation will have to be covered by your tribe or tribal organization.

Contact Information

For invitation or questions about the agenda, please contact Jim Roberts, at (503) 228-4185 or jroberts@npaihb.org. If you have been invited to the CSC Summit and want to RSVP, please contact Lisa Griggs, at (503) 228-4185 or lgriggs@npaihb.org.

Tribal Contract Support Cost Summit
TBD: Seattle, WA; Portland OR
July 31 – August 1, 2013

DAY ONE: Wednesday, July 31, 2013

8:00 a.m.	Welcome & Innovation - Tribal Leader/Elder
8:30 a.m.	Overview & Summit Objectives Joe Finkbonner, NPAIHB Executive Director
8:45 a.m.	Background/History of the ISDEAA Panel: Lloyd Miller and Bryant Rogers
9:30 a.m.	ISDEAA Requirements & Indian Health Service Panel: Ron Demaray and Dave Mather
10:15 a.m.	BREAK
10:30 a.m.	Litigation: Cherokee/Ramah Cases Panel: Lloyd Miller and Bryant Rogers
11:30 a.m.	Panel: Indian Health Service – CSC Settlements Geoff Strommer & Lloyd Miller
12:00 noon	LUNCH
1:00 p.m.	CSC Settlements & Indian Health Service Panel: Lloyd Miller/Bryant Rogers
2:00 p.m.	Indian Health Service CSC Claims Issues Panel: Lloyd Miller, Geoff Strommer, Ron Demaray, Dave Mather <ul style="list-style-type: none">• Making Claims: Geoff Strommer• Settlement issues: Lloyd Miller• Options for Damage Calculations: Dave Mather/Ron Demaray• Taking Appeals: Lloyd Miller
3:30 p.m.	BREAK

- 3:45 p.m. **Discussion: Challenges to actual incurred costs with tribal representatives that have completed or will be going through the settlement process**
Panel: Dave Mather, Ron Demaray
- 4:30 p.m. **Questions/Discussion**
- 5:00 p.m. **Adjourn for the day**

DAY TWO: Thursday, August 1, 2013

- 8:00 a.m. **Reconvene Meeting**
- 8:15 a.m. **Summary of Previous Day/Action items**
- 8:30 a.m. **Managing Your CSC Requirements Going Forward for FY 2013 and Beyond**
Panel: Ron Demaray, Dave Mather, Invited CPA
- Demonstrate expenditure of IHS ‘Secretarial Amount’ (addressing impact of Incurred costs approach)
 - Designing Audits to maximize the CSC calculations
 - Developing IDC Rate proposals to manage exclusions from Secretarial Amount
 - Renegotiation of DCSC when needed
 - IPA/MOA considerations for CSC
 - Blending your IDC rate properly for Shortfall report
 - Documentation and document retention
- 10:00 a.m. **Break**
- 10:30 a.m. **Continue Discussion on above items and add:**
- New OMB Indirect Rate setting proposals, Lloyd Miller
- 1:00 p.m. **Adjourn**



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REGISTRATION FORM

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TO REGISTER: Complete this form and return to NPAIHB by fax (503) 228-8182 or by email to lgriggs@npaihb.org by July 15, 2013. For questions about the agenda, please contact Jim Roberts, at (503) 228-4185 or jroberts@npaihb.org. For RSVP questions, please contact Lisa Griggs, at (503) 228-4185 or lgriggs@npaihb.org.

LAST NAME

FIRST NAME

MIDDLE

ORGANIZATION

JOB TITLE

STREET ADDRESS

CITY

STATE / POSTAL CODE COUNTRY

PHONE NUMBER

E-MAIL

FAX

Please fax or email this registration form to:

(503) 228-8182
lgriggs@npaihb.org