

# IHS TRIBAL SELF-GOVERNANCE ADVISORY COMMITTEE DOI SELF-GOVERNANCE ADVISORY COMMITTEE

c/o Self-Governance Communication and Education  
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January 22, 2014

Mr. Kevin Washburn  
Assistant Secretary – Indian Affairs  
Bureau of Indian Affairs  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, DC 20420

Dr. Yvette Roubideaux, M.D., M.P.H.  
Director, Indian Health Service  
Department of Health and Human Services  
Suite 440, The Reyes Building  
801 Thompson Avenue  
Rockville, MD 20852-1627

**Re: Immediate Tribal Consultation Needed on Contract Support Cost Funding**

Dear Mr. Washburn and Dr. Roubideaux,

On behalf of the Self-Governance Tribes within the Department of the Interior – Bureau of Indian Affairs – Office of Self-Governance (DOI-BIA-OSG) and the Department of Health and Human Services – Indian Health Service – Office of Tribal Self-Governance (DHHS-IHS-OTSG), we write to urge you to begin immediate efforts to consult with and solicit the advice and participation of tribes in formulating a plan to address funding of contract support costs (CSC) as directed by Congress.

As you are aware, in the FY 2014 Consolidated Appropriations Act just recently passed, Congress rejected the Administration’s proposal to cap CSC funding on a contract-by-contract basis and affirmed the right of tribes to payment of full CSC under the ISDEAA. Congress further removed the caps on aggregate CSC spending that had been imposed in recent years, making CSC payable from each agency’s lump-sum appropriations.

In the Joint Explanatory Statement accompanying the Act, Congress directed the Department of the Interior and the Department of Health and Human Services “to consult with the Tribes and work with the House and Senate committees of jurisdiction, the Office of Management and Budget, and the Committees on Appropriations to formulate long-term accounting, budget, and legislative strategies” to address CSC funding. The agencies were directed to submit an operating plan (showing funding allocations to the activity level) to the Committees within 30 days, and to develop work plans and announce consultation with Tribes within 120 days.

Tribes must be included in this critical decision making process, and action must be taken to begin consultation immediately if there is to be meaningful tribal participation within the deadlines set by Congress. As noted in the Joint Explanatory Statement from Congress, the Administration's FY 2014 proposal was developed without tribal consultation and was strongly and overwhelmingly opposed by tribes. In order to avoid a repeat of that situation, we recommend as follows:

- That the agencies conduct consultation and pre-consultation jointly, which will conserve considerable resources for the Tribes to allow for maximum participation;
- That the agencies hold monthly, joint meetings of their respective CSC Workgroups as one component of the consultation;
- That the agencies hold a single set of four regional consultation meetings; and
- That the agencies hold an additional, joint national consultation meeting.

In addition, we urge the agencies to clearly state in the operating plan due to Congress within 30 days of enactment of the Consolidated Appropriations Act that the agencies will fully fund CSC, if necessary through reductions in direct operations, and that no reductions will be made to services or direct care.

We look forward working in partnership with you to address the immediate and ongoing challenges relating to CSC funding.

Sincerely,



W. Ron Allen, Tribal Chairman/CEO  
Jamestown S'Klallam Tribe  
Chairman of the SGAC



Chief Lynn Malerba  
Mohegan Tribe  
Chairwoman of the TSGAC

Cc: Self-Governance Tribes  
TSGAC/SGAC Members and Technical Workgroup Members