



National
Congress of
American
Indians

National Indian Health Board



January 27, 2014

Mr. Kevin Washburn
Assistant Secretary
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: Request for Tribal Consultation on FY 2014 Operating Plan and CSC Work plan

Dear Mr. Washburn and Dr. Roubideaux,

On behalf of the National Congress of American Indians (NCAI), National Indian Health Board (NIHB) and the 566 Federally Recognized American Indian and Alaska Native Tribal Governments we serve, *I write today to request that you engage in thoughtful, meaningful, and thorough consultation with Tribes on contract support costs (CSC), especially as you develop the CSC consultation plan, pursuant to Congress' instructions in the Joint Explanatory Statement accompanying the Consolidated Appropriations Act of FY 2014.*

For decades, Tribes have been negotiating with the Departments of Interior and Health and Human Services to get their CSC costs paid in full. In June 2012, the Supreme Court issued a ruling in *Salazar vs. Ramah Navajo Chapter* that held that the U.S. Government must pay each Tribe's contract support costs even if the full amount to fund this has not been appropriated by Congress. In drafting the FY 2014 Appropriations Act, Congress remanded the resolution of CSC to the agencies to resolve, in addition to the appropriate Congressional committees. The agencies are required to, within 120 days, submit a work plan to Congress on how resolution of CSC will occur. The agencies must also submit an operating plan to Congress within 30 days displaying allocations to the activity level. It is imperative that Tribes be part of this plan development, as CSC and other funding levels are a matter of life and death for many across Indian Country.

NCAI and NIHB believe Congress acted wisely in rejecting the Administration's proposal in the President's FY 2014 budget request that would place individual caps on CSC. The Appropriations Committee noted that, "That proposal was developed without tribal consultation and the Committees heard from numerous Tribes voicing their strong opposition." We urge you not to make the same mistake when developing the operating plan and work plan. In order to fulfill this promise to Tribes to engage in

meaningful consultation, 1) we encourage that your agencies conduct consultation together, which will not only be cost effective, but allow for the greatest amount of participation for Tribes; 2) that there be joint meetings of each agency's CSC workgroups on a monthly basis; 3) that there are a single set of four regional consultation meetings; and 4) that the agencies also convene a national consultation on CSC that will be held jointly.

Finally, as you develop the operating plan for FY 2014, as directed by the FY 2014 Consolidated Appropriations Act, you utilize all means possible to fully fund CSC without cutting direct care for IHS patients or other Tribal programs. Please consider adjusting administrative costs to fully fund CSC, as Tribes are providing many administrative functions that were previously provided by the Indian Health Service and Bureau of Indian Affairs.

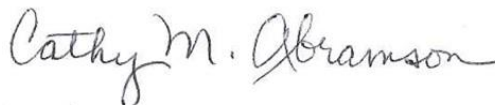
This Administration has made many positive strides when it comes to building a strong relationship between the federal government and Tribes especially when it comes to Tribal consultation. The Administration has also supported the enactment of the Indian Health Care Improvement Act (P.L. 111-148) and Tribal Law and Order Act (P.L. 111-211) which are continuing to transform Tribal communities for the better. Finally, there has also been priority given to many historic legal settlements including *Keepseagle* and *Cobell* cases. A resolution on CSC should also hold this same priority in order to continue to build the important relationship between Tribes and the federal government.

Thank you for your consideration of this matter. If you have any questions please contact Jacqueline Pata, Executive Director of NCAI at (202) 466-7767 or Stacy Bohlen, Executive Director of NIHB, at (202) 507-5070.

Sincerely,



Brian Cladoosby, President
National Congress of American Indians



Cathy Abramson, Chairperson
National Indian Health Board