

The INTER-TRIBAL COUNCIL of the FIVE CIVILIZED TRIBES

A Resolution Regarding Indirect Cost Rate Negotiations Changes

Resolution No. 17-09



Bill John Baker
Principal Chief

WHEREAS, the Inter-Tribal Council of the Five Civilized Tribes (ITC) is an organization that unites the tribal governments of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole Nations, representing more than 650,000 Indian people throughout the United States; and



Bill Anoatubby
Governor

WHEREAS, to properly administer myriad federal programs, tribes must determine applicants' eligibility for the services being provided, and membership or citizenship in a federally recognized tribe is a mandatory component of eligibility for services for many federal programs operated by tribes; and



Gary Batton
Chief

WHEREAS, tribes incur significant costs associated with determining and verifying tribal enrollment or citizenship; and

WHEREAS, over the course of many years, the Interior Business Center (IBC) at the Department of the Interior (DOI) approved the costs of such work as allowable costs in a tribe's indirect cost pool and in determining a tribe's indirect cost rate; and



James R. Floyd
Principal Chief

WHEREAS, in 2014 the IBC abruptly announced a change in longstanding policy and practice and expressed an intent to treat these costs as disallowable; and

WHEREAS, IBC's changed position was done without any notice to or consultation with tribes, and is not required by any statute or regulation or any change in any applicable law; and



Leonard M. Harjo
Principal Chief

WHEREAS, the inclusion in the indirect cost pool of tribal costs to determine and verify program eligibility including tribal membership or citizenship is entirely consistent with federal law; and

WHEREAS, the use of a single department to do this work is cost-effective, and because this approach confers a benefit on the other federal programs that the tribe administers but its costs are not readily allocable to different awards and programs, such costs are properly included in the indirect cost pool; and

WHEREAS, NCAI adopted resolution ATL-14-030, which demonstrates national tribal support for ensuring that tribes may include such costs in their indirect cost rates; and

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WHEREAS, the House Appropriations Committee recently echoed these sentiments through report language included in the FY 2016 Interior, Environment, and Related Agencies appropriations bill, stating:

Indirect Costs—The Committee is concerned that a recent Administration policy change with regard to indirect cost reimbursement may not fairly apply to Indian Tribes and tribal organizations. The Secretary is directed to report to the Committee justifying this policy change and in particular its application to tribal enrollment activities.

As of January 2017, the Secretary has not provided a report to the Committee regarding this matter; and

NOW THEREFORE BE IT RESOLVED THAT, we urge the DOI to maintain past policy and practice under which tribal enrollment and registration activities continue to be allowable indirect costs that are properly included in a tribe's indirect cost pool.

CERTIFICATION

The foregoing resolution was adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting in Thackerville, Oklahoma on this 13th day of January, 2017, by a vote of all for 0 against and 0 abstentions.



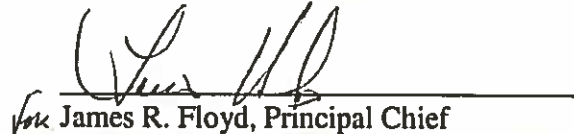
Bill Anoatubby, Governor
The Chickasaw Nation



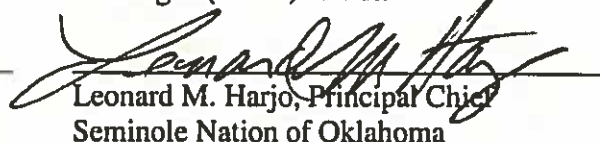
Gary Batten, Chief
Choctaw Nation of Oklahoma



Bill John Baker, Principal Chief
Cherokee Nation



James R. Floyd, Principal Chief
Muscogee (Creek) Nation



Leonard M. Harjo, Principal Chief
Seminole Nation of Oklahoma