

# The INTER-TRIBAL COUNCIL of the FIVE CIVILIZED TRIBES

## *A Resolution Supporting the Indian Health Service Contract Support Workgroup's Recommended Changes to the Contract Support Cost Policy*

### Resolution No. 18-14



Bill John Baker  
Principal Chief



Bill Anoatubby  
Governor



Gary Batton  
Chief



James R. Floyd  
Principal Chief



Greg P. Chilcoat  
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 approximately 750,000 Indian people throughout the United States; and

**WHEREAS,** all the ITC tribes operate Indian Health Service (IHS) Title V Self-Governance Compacts and Funding Agreements; and

**WHEREAS,** the United States Supreme Court affirmed that IHS must provide Tribes Contract Support Costs (CSC) and Congress provides an indefinite appropriation to pay CSC; and

**WHEREAS,** the IHS published a new CSC Policy in 2016, which states that Policy "changes will only be implemented after Tribal consultation"; and

**WHEREAS,** the IHS Acting Director temporarily rescinded section 6-3.2E(3) "Alternative Methods for Calculating Indirect Costs Associated with Recurring Service Unit Shares" on December 21, 2017, which provides Tribes what is known as the "97/3 option" for determining duplication for service unit shares, such action resulting in delays for tribes in active negotiation; and

**WHEREAS,** the IHS has not adequately illustrated that this methodology is inconsistent with the Indian Self-Determination and Education Assistance Act; and

**WHEREAS,** despite the lack of data supporting the temporary rescission of the "97/3 option" the CSC Workgroup, a joint Federal/Tribal Workgroup, convened and unanimously recommended a solution to the Acting IHS Director; and

**WHEREAS,** the Acting IHS Director forwarded the CSC Workgroup recommendation to all Tribal Leaders for Tribal Consultation, but at the same time, forwarded two other alternatives for revising the CSC Policy, not recommended by the CSC Workgroup, that would in effect remove a Tribe's right to choose the option for determining duplication of service unit shares; and

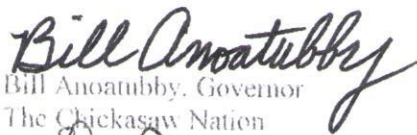
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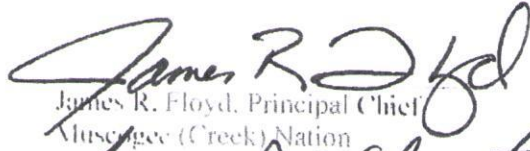
NOW, THEREFORE LET IT BE RESOLVED THAT, the Inter-Tribal Council of the Five Civilized Tribes strongly opposes the IHS-proposed alternatives to revise the CSC Policy.

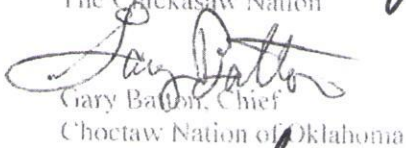
BE IT FURTHER RESOLVED THAT, the Inter-Tribal Council of the Five Civilized Tribes supports the limited changes to section 6-3.21(3) of the CSC Policy recommended by the IHS CSC Workgroup and urges the Acting IHS Director to implement it immediately upon close of the Tribal Consultation period.

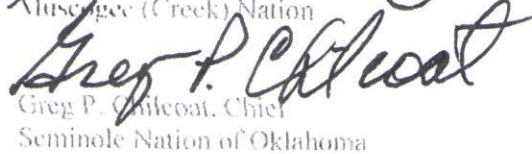
CERTIFICATION

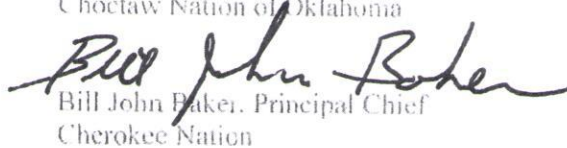
The foregoing resolution was adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting in Catoosa, Oklahoma on this 1<sup>st</sup> day of May, 2018, by a vote of 21 for 0 against and 0 abstentions.

  
Bill Anoatubby, Governor  
The Chickasaw Nation

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

  
Gary Batton, Chief  
Choctaw Nation of Oklahoma

  
Greg P. Gilcoat, Chief  
Seminole Nation of Oklahoma

  
Bill John Baker, Principal Chief  
Cherokee Nation