

**The INTER-TRIBAL COUNCIL  
of the FIVE CIVILIZED TRIBES**

NUMBER 2001-06

**A RESOLUTION REQUESTING THE U.S. CONGRESS TO CLARIFY ITS  
INTENT OF TITLE 25 U.S.C., SECTION 450 e2 REGARDING THE USE OF  
EXCESS CONSTRUCTION FUNDS**

**WHEREAS,**

the Inter-Tribal Council of the Five Civilized Tribes is an organization which unites the tribal governments of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole Nations, representing over 400,000 Indian people throughout the United States, and

**WHEREAS,**

The Inter-Tribal has a responsibility to serve all Indian people within their independent jurisdiction boundaries that encompasses approximately 50 counties out of 77 counties within the state of Oklahoma, and

**WHEREAS,**

The Five Civilized Tribes unite their tribal governments to provide the highest quality, culturally sensitive, and cost effective services for Indian people, and

**WHEREAS,**

This responsibility includes the provision of safe and adequate transportation systems within service areas of the Five Civilized Tribes; and

**WHEREAS,**

The Inter-Tribal Council (ITC) is aware of a provision adopted into the FY-1998 Department of the Interior Appropriations Act pertaining to construction projects assumed under Public Law 93-638 in which the Secretary determines the use of excess funding when the actual cost of a construction project is less than the estimated cost thereof; and

**WHEREAS,**

The ITC is further aware of the testimony and intent of the U.S. Congress that this provision, codified as 25 U.S.C., Section 450 e2, only applies to school construction projects that are appropriation specific; and

**WHEREAS,**

The Bureau of Indian Affairs (BIA), as experienced by the TEA-21 Negotiated Rulemaking Committee, has erroneously interpreted this provision to apply to all construction projects including those funded under the Indian Reservation Roads (IRR) program, despite Congressional intent and the fact that the Department has published regulations for both Self-Determination Contracts and Self-Governance Compacts that totally contradict this interpretation; and

**WHEREAS,**

The ITC is deeply concerned that the BIA is planning to take away excess construction funding that is legally allocated to an Indian tribe and which would otherwise be treated as carry over for additional construction activities under the contract or compact; and

**WHEREAS,**

The ITC herby opposes BIA's interpretation of this provision, which will result in a severe reduction in funding and limit a tribe's ability to properly plan for and address its roads construction needs in addition to the needs of other construction related programs.

**NOW THEREFORE, BE IT RESOLVED,**

That the Inter-Tribal Council of the Five Civilized Tribes of Oklahoma strongly urges the U.S. Congress to clarify its original intent that Title 25 U.S.C., Section 450 e2, applies to school construction projects only.

Adopted by the Inter-Tribal Council of the Five Civilized Tribes of Oklahoma meeting at Fountainhead Resort, Eufaula, Oklahoma on April 19, 2001, by a vote of 23 for, 0 against, and 0 abstentions.

John A. Ketcher Signed for  
Chadwick Smith, Principal Chief  
Cherokee Nation

Greg E. Pyle Signed  
Gregory E. Pyle, Chief  
Choctaw Nation

Perry Beaver Signed  
Perry Beaver, Principal Chief  
Muscogee (Creek) Nation

Jerry Haney Signed  
Jerry Haney, Principal Chief  
Seminole Nation

Bill Anoatubby Signed  
Bill Anoatubby, Governor  
Chickasaw Nation