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

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WHEREAS, the IHS Acting Director temporarily rescinded section 6-3.2E(3) "Alternative Methods for Calculating Indirect Costs Associated with Recurring Service Unit Shares" on December 21, 2017, which provides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
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 6.3.2.1.5 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 1st day of May, 2018, by a vote of 21 for, against and 0 abstentions.

Bill Anoatubby, Governor
The Chickasaw Nation

Gary Batton, Chief
Choctaw Nation of Oklahoma

Bill John Baker, Principal Chief
Cherokee Nation

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

Greg P. Chilcoat, Chief
Seminole Nation of Oklahoma