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 hereby 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 _______ Greg E. Pyle Signed _______
Chadwick Smith, Principal Chief Gregory E. Pyle, Chief
Cherokee Nation Choctaw Nation

Perry Beaver Signed _______ Jerry Haney Signed _______
Perry Beaver, Principal Chief Jerry Haney, Principal Chief
Muscogee (Creek) Nation Seminole Nation

Bill Anoatubby Signed _______ Bill Anoatubby, Governor
Chickasaw Nation