

# NATIONAL CONGRESS OF AMERICAN INDIANS



November 7, 2003

## EXECUTIVE COMMITTEE

**PRESIDENT**  
**Tex G. Hall**  
*Mandan, Hidatsa, and Arikara Nation*

**FIRST VICE-PRESIDENT**  
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*Ohkay Owingeh*  
*(Pueblo of San Juan)*

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*St. Regis Mohawk Tribe*

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**Mike Williams**  
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**Geri Small**  
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*Prairie Band Potawatomi*

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**John F. Gonzales**  
*San Ildefonso Pueblo*

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**Evelyn B. Juan-Manuel**  
*Tohono O'odham Nation*

**EXECUTIVE DIRECTOR**  
**Jacqueline Johnson**  
*Tlingit*

**NCAI HEADQUARTERS**  
1301 Connecticut Avenue, N  
Suite 200  
Washington, DC 20036  
202.466.7767

**Senator Ben Nighthorse Campbell**  
**United States Senate**  
**Chairman, Committee on Indian Affairs**  
**838 Hart Office Building**  
**Washington DC 20510**

**Senator Daniel K. Inouye, Vice-Chair**  
**United States Senate**  
**Committee on Indian Affairs**  
**838 Hart Office Building**  
**Washington DC 20510**

Dear Senators:

I write on behalf of the National Congress of American Indians to request that you join together in introducing legislation to reform the system for paying contract support costs owed to tribal contractors administering Bureau of Indian Affairs and Indian Health Service health and social programs under government contracts authorized by the Indian Self-Determination Act. A copy of the legislation NCAI respectfully requests be introduced is enclosed, together with an explanation.

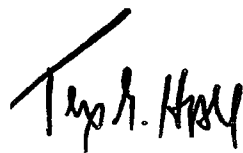
As staunch defenders of this Nation's Indian Self-Determination Policy, all of you appreciate deeply the importance of Tribal Self-Determination to the success of our tribal communities. The key to that success has been tribal administration of government contracts authorized under the Indian Self-Determination Act. Under those contracts, tribes have successfully taken over the administration of enormous and complex programs, including hospitals, law enforcement programs and real estate and forestry management programs, just to name a few. Although all of these activities are federal functions under the federal government's trust responsibility to Indian tribes, time and again Indian tribes have shown that they can vastly improve the effectiveness and efficiency of these programs by operating them under government contracts.

Unfortunately, despite several rounds of congressional reforms, the federal government continues to underpay tribal contractors their full contract support costs required to run these contracts. Although the federal government would never even think of underpaying general and administrative overhead costs required by the Defense Department and other government contractors, somehow when it comes to Indian Tribes precisely the opposite has become the norm. Thus, in the annual appropriations process the Administration never requests anything close to full funding of contract support cost requirements, and the Appropriations Committees respond in kind.

It is time to change the system for funding these government contracts. Indian Tribes should no longer be treated as "second class" contractors. In addition to correcting some technical problems, the enclosed proposed legislation would tackle this issue by creating a permanent and indefinite appropriation for the payment of these contracts. The proposal is modeled on the existing law for paying court judgments and for covering the costs of certain housing programs. By assuring that the Tribes will be fully paid for their federally negotiated and annually audited contract support costs, the legislation corrects a historic injustice whose resolution has frustrated every other congressional reform in this area.

The NCAI looks forward to working closely with you and other members of the Senate Native American Caucus to secure early consideration of this important legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Tex G. Hall". The signature is written in a cursive style with a prominent diagonal stroke at the beginning.

Tex G. Hall  
President

Enclosure



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Honorable Richard Pombo  
Chairman, Resources Committee  
1324 Longworth House Office Building  
Washington, D.C. 20515

Honorable Jim Gibbons  
Vice-Chairman, Resources Committee  
1324 Longworth House Office Building2  
2111 Rayburn House Office Building

The Honorable Congressman Don Young  
2111 Rayburn House Office Building  
Washington, D.C. 20515-6201

Honorable J.D. Hayworth  
Co-Chair, House Native American Caucus  
2434 Rayburn House Office Building  
Washington, D.C. 20515-6201

Honorable Dale E. Kildee  
Co-Chair, Native American Caucus  
107 Rayburn House Office Building  
Washington, D.C. 20515

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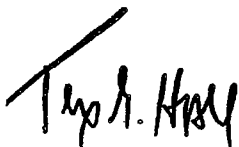
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Tex G. Hall  
President

Enclosures