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# Action Alert

April 14, 2005  
(Broadcast #05-029)

## Urgent Contract Support Costs Action Needed

**PLEASE CONTACT YOUR SENATORS, AS WELL AS MEMBERS OF THE SENATE APPROPRIATIONS COMMITTEE AND ASK FOR THEIR SUPPORT FOR A SUPPLEMENTAL APPROPRIATION TO ADDRESS CONTRACT SUPPORT COSTS!**

In Fiscal Year 2005, Contract Support Costs shortfalls are expected to exceed \$99 million for Indian Health Service Contractors and \$37 million for Bureau of Indian Affairs Contractors.

In light of the March 1<sup>st</sup>, 2005 decision in *Cherokee Nation and Shoshone Paiute Tribes of the Duck Valley Reservation v. Leavitt*, it is important for Indian Country to voice its concerns about the critical under funding of these costs. Tribes all over the country are being singled out as second class contractors by being underpaid on their contracts with the United States Government.

In order to ensure that funding CSC does not result in an offsetting loss to the already severely under funded IHS and BIA programs, it is necessary for Congress to appropriate **supplemental** funding to cover these costs in Fiscal Year 2005.

This week, each Chamber is finishing up its work on the Fiscal 2005 Emergency Supplemental for Iraq/Tsunami Relief legislation (H.R. 1268, S.Rept. 109-52). The House passed the initiative on March 16<sup>th</sup>, and the Senate hopes to pass its version by the end of the week, at which time, the conferencing between the House and Senate will begin.

**Please call, write and visit your Senators and Representatives, and the Senate Interior Appropriations Subcommittee to ask for support for supplemental funding for Contract Support Costs through the FY2005 Emergency Supplemental H.R. 1268. PHONE CALLS, VISITS, AND FAXED LETTERS ARE NEEDED.**

Attached, please find a template letter, talking points, and contact information for the Senate Interior Appropriations Committee. You can find the contact information for your congressmen at [WWW.SENATE.GOV](http://WWW.SENATE.GOV) and [WWW.HOUSE.GOV](http://WWW.HOUSE.GOV). Should you have any questions, please feel free to contact Amber Ebarb at NCAI, (202) 466-7767

**PLEASE PLACE ON YOUR LETTERHEAD**

*The Honorable XXXX  
United States Senate  
XXXX Hart/ Dirksen/ Russell Senate Office Building  
Fax: (202) XXX-XXXX*

April 13, 2005

Dear Senator *XXXX*,

On behalf of the (*insert tribal affiliation here*) I respectfully request that you work towards securing supplemental funding for Contract Support Costs in the Fiscal Year 2005 Emergency Supplemental for Iraq, H.R. 1268.

In Fiscal Year 2005, Contract Support Costs shortfalls are expected to exceed \$99 million for Indian Health Service Contractors and \$37 million for Bureau of Indian Affairs Contractors.

In light of the March 1<sup>st</sup>, 2005 decision in *Cherokee Nation and Shoshone Paiute Tribes of the Duck Valley Reservation v. Leavitt*, it is important for Congress to address the ongoing under funding of Contract Support Costs. The Supreme Court unanimously held that the United States Government is liable to tribes for the underpayment of these costs. The Supreme Court determined that Indian Self Determination Contractors have the same rights to be paid as any other government contractors. Tribes all over the country are being singled out as second class contractors by being underpaid on their contracts with the United States Government.

In order to ensure that funding CSC does not result in an offsetting loss to the already severely under funded IHS and BIA programs, it is necessary for Congress to appropriate **SUPPLEMENTAL** funding to cover these costs in Fiscal Year 2005.

I respectfully ask that you assist in addressing this issue by lending your support for \$136 million in Contract Support Costs funding for Fiscal Year 2005. Please contact your colleagues to support \$136 million in supplemental CSC funding in H.R. 1268.

Should you have any questions, please feel free to contact (*please insert designee name and phone number*)

Sincerely,

*XXXX  
Title*

## Members of Senate Interior Appropriations Subcommittee

Chairman Conrad Burns

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Senator Ted Stevens

Phone: (202) 224-3004

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Senator Thad Cochran

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Senator Barbara Mikulski

Phone: (202) 224-4654

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Senator Herb Kohl

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### Talking Points

- Please support adding \$136 million in Supplemental Contract Support Costs funding to the Fiscal Year 2005 Emergency Supplemental for Iraq, H.R. 1268.
- Contract support costs for ISDA contractors are comparable to “general and administrative” costs required by government procurement contractors.
- Supreme Court held that Indian Self Determination Contractors have the same rights to be paid as other government contractors.
- Indian Contractors are being singled out as second class contractors.
- The under funding of Contract Support Costs requires tribal Governments to scale back services to pay for administrative costs.
- ***Discuss your shortfall amount, if applicable.***
- Shortfalls hinder Tribes’ from utilizing dollars to maximum potential.
- Because of shortfalls, Tribes must hold back program funding for administrative costs, instead of utilizing those dollars for prevention, infrastructure development and new programs.
- Contracted programs actually end up with less funding than non-contracted programs, creating a disincentive to enter into Self Governance compacts and contracts with the Federal Government.
- Please support \$136 million in SUPPLEMENTAL Contract Support Costs funding in H.R. 1268.