

March 7, 2005

### **U.S. Supreme Court Issues Opinion on Contract Support Case**

On March 1<sup>st</sup>, 2005, the United States Supreme Court issued its opinion in the Cherokee Nation and Shoshone Paiute Tribes of the Duck Valley Reservation Contract Support Costs case. The Supreme Court ruled unanimously upholding the right of the tribes to be paid contract support costs under the Indian Self-Determination Act for the years between 1994 and 1997.

The decision begins, "The United States and two Indian Tribes have entered into agreements in which the Government promises to pay certain "contract support costs" that the Tribes incurred during fiscal years 1994 through 1997. The question before us is whether the Government's promises are legally binding. We conclude that they are."

For the last 30 years, the promotion of tribal autonomy and self-governance has been the hallmark of this Nation's federal Indian policy, the cornerstone of which is the Indian Self-Determination and Education Assistance Act of 1975. The Act authorizes tribes to enter into contracts or self-governance compacts to administer federal programs previously administered by the departments of Interior and Health and Human Services for the benefit of tribal members. Contract support costs are defined as the "reasonable costs" tribes incur in contracting to carry out federal services with federal funds under the Indian Self-Determination and Education Assistance acts. The Court's decision is a resounding victory for self-determination and self-governance tribes who may have received less contract support funding than they were entitled to from the Indian Health Service for the years 1994 through 1997.

[Supreme Court opinion \[findlaw.com\]](http://findlaw.com)

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