

January 24, 2007

*Via Telefax*

The Honorable Byron L. Dorgan, Chairman  
Senate Committee on Indian Affairs  
United States Senate  
Washington, DC 20510

The Honorable Craig Thomas, Vice Chairmar  
Senate Committee on Indian Affairs  
United States Senate  
Washington, DC 20510

***Re: Full funding for Tribal contracts and compacts***

Dear Senators Dorgan and Thomas:

We write as the leaders of the Tribal Self-Governance Advisory Committee to the Indian Health Service, and the Self-Governance Advisory Committee to the Bureau of Indian Affairs, to request the Committee's renewed support for fully funding all costs due under Tribal contracts and self-governance compacts awarded under the Indian Self-Determination Act.

Our request comes on the heels of the Supreme Court's unanimous 2005 decision in Cherokee Nation v. Leavitt. That ruling powerfully reaffirmed the enforceability of government contracts and compacts between Tribes and the BIA and IHS. The Court's ruling also underscored Congress's bipartisan commitment in the Indian Self-Determination Act to make mandatory all contract payments due under the Act, expressly including the payment of fixed and necessary contract support costs. Fully paying contract support costs is both a binding obligation of the federal government and the linchpin to the success of the Nation's Tribal Self-Determination Policy. To fully honor these contracts as the Court and Congress have both required, and to thereby treat Tribal contractors no less favorably than other government contractors, will require an increase of \$154 million to IHS and \$55 million to the BIA.

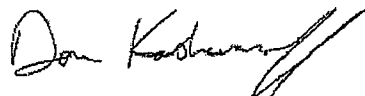
We respectfully request the Committee's active support for fully funding Tribal contracts and compacts. We also ask that the Committee consider holding oversight hearings on this critical issue, where every dollar lost in contract support costs is a dollar less for health care, law enforcement, and other critical governmental services furnished under ISDA contracts and compacts. Finally, we ask that the Committee put an end to IHS's illegal 2005 policy of refusing to contract new activities unless Tribes waive their payment rights under the Act.

Sincerely,



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W. Ron Allen, Chairman  
Jamestown S'Klallam Tribe



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Don Kashevaroff, President  
Seldovia Village Tribe

cc: Daniel K. Inouye, Member, Senate Committee on Indian Affairs  
Kent Conrad, Member, Senate Committee on Indian Affairs  
Daniel K. Akaka, Member, Senate Committee on Indian Affairs  
Tim Johnson, Member, Senate Committee on Indian Affairs  
Maria Cantwell, Member, Senate Committee on Indian Affairs  
Claire McCaskill, Member, Senate Committee on Indian Affairs  
Jon Tester, Member, Senate Committee on Indian Affairs  
John McCain, Member, Senate Committee on Indian Affairs  
Lisa Murkowski, Member, Senate Committee on Indian Affairs  
Tom Coburn, Member, Senate Committee on Indian Affairs  
Pete V. Domenici, Member, Senate Committee on Indian Affairs  
Gordon H. Smith, Member, Senate Committee on Indian Affairs  
Richard M. Burr, Member, Senate Committee on Indian Affairs  
Senator Dianne Feinstein, Chair, Senate Interior Appropriations Subcommittee