

# 2010 Self-Governance Conference

## Session 8: Contract Support Costs

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Panelists will provide an update on current appropriations and strategies for increasing CSC needs; summary of the HIS funding distributions; updates on HIS policy issues; and an update on current litigation.

**Moderator:** Mickey Peercy, Executive Director of Health Services, Choctaw Nation

**Recorder:** Vickie Hanvey, Self-Governance Administrator, Cherokee Nation

### Panelists:

Lloyd Miller, Partner, Sonosky, Chambers, Sachse, Miller & Munson, LLP

Ron Demoray, Acting Director, Office of Direct Service & Contracting Tribes, IHS

Geoff Strommer, Partner, Hobbs, Straus, Dean & Walker, LLP

### Notes of Presentation:

\*\*\*NOTE TO ATTENDEES\*\*\*There are CSC presentation material (jump drive in your packet) under the DOI session that applies to BOTH agencies.

#### 1. Lloyd Miller-

- Presentation “CSC under ISDEA” will be available on the kiosk in the lobby
- This presentation gives a basic overview of CSC, legislative and legal history of CSC
- This presentation was presented recently to DOI TBAC as well
- Please review the information listed under DOI for legislative initiative information.

#### 2. Ron Demoray-

- Presentation “ ” is available on your USB drive within your packet
- Tribes should be aware
  - November 15<sup>th</sup>- a draft shortfall report should be received from the perspective area office. Any corrections or adjustments should be addressed with the area office.
  - December 15<sup>th</sup> – the HQ office will be finalizing the shortfall report.
- Gives a multitude of information in spreadsheet formats.

- CSC History in Approps from 1999 to 2015
- In 2009 there were 329 Tribes with an average CSC LNF of 67.51%
- Total National 2009 Shortfall was \$158m
  - National Direct shortfall \$35m
  - National Indirect shortfall \$123m
- Projected 2010 CSC need \$108m
- Projected 2011 CSC need \$120m

### 3. Geoff Strommer-

- Presentation memorandum available on the kiosk- Please review this memorandum
- Overview of ongoing Litigation
- Issues:
  - Statutes of limitations-
    - 1996 CDA included 6 year statute of limitations; most tribes filed claims after 6 year limitation; 2 tolling rules could add to the limitation time; some rulings have been made regarding tolling rules and appealed; next 6 months should reveal action of supreme court to take cases
  - Cap language
    - Based upon congressional language “not to exceed” from 1998. Two cases should address this issue.
  - Misscalculation applies with IHS
  - New and expanded CSC
    - Dr Grim memorandum from 2005 remains the policy of IHS.