



July 29, 2016

Lawrence Roberts, Acting Assistant Secretary – Indian Affairs
Bureau of Indian Affairs
U.S. Department of the Interior
1894 C Street NW
MS-3071-MIB
Washington, D.C. 20420

Submitted to: consultation@bia.gov

RE: Comments on Proposed BIA Contract Support Costs (CSC) Policy

Dear Acting Assistant Secretary Roberts:

The Pueblo of Laguna (Pueblo) celebrates the Department of the Interior's commitment to pay 100% of the Contract Support Costs (CSC) under the Proposed CSC Policy (Policy). We also generally support the Department's proposed amendments to the CSC Policy to manifest and implement that commitment. We concur with the Department's approach to simplify and streamline the calculation of CSC.

General Comments:

The Policy is understandable, which will make it a useful tool for Pueblo, as well as Bureau of Indian Affairs (BIA) staff. The Policy accurately reflects congressional requirements to fully-fund the CSC of contracting Tribes under the Indian Self-Determination and Education Assistance Act (ISDEAA). The Pueblo appreciates that the Policy has simplified calculation methods for the different types of direct CSC, and offers an alternative calculation for indirect CSC where a Tribe does not have an agreement governing such calculation.

Specifically, we recommend the following:

Introduction – The Indian Affairs Manual (Manual) should state that compacts, contracts, and funding agreements shall be liberally construed in favor of the Tribes. Neither congressional direction under the FY 2014 Appropriations Language, nor the Policy, diminish or extinguish any existing rights of the Pueblo under the ISDEAA, which has been liberally construed in favor of the Tribes.

Salaries – Raise the Direct CSC rate for salaries from 15% to 18%. The increase would address the rising costs of health insurance premiums that has been, and is, impacting the Pueblo, which would alleviate the need to begin negotiations on that point.

CSC – Include examples in the Policy of direct costs that are subject to negotiation. Permit the Pueblo to negotiate for lump-sum distribution of Direct CSC. Distribute increases in CSC at the same time as distribution of increases in program funding occurring mid-year. Assure prompt payment of CSC.

Pre-Award and Start-up Costs – Include examples of allowable pre-award and start-up costs in the Manual for reference purposes. Clearly state the process for negotiating such costs in the Manual, as well as delegate the negotiation of such costs to regional or field staff.

Reporting – Post the finalized Policy and Handbook on the BIA website for easy access. Release a Report to Tribes regarding CSC even if there is a delay in a formal report to Congress.

Consultation – Upon close of the comment period, we urge a reconvening of the CSC workgroup to finalize the Policy as soon as convenient. BIA should collaborate with Tribes in edits and amendments to the Handbook.

We applaud the work of all who participated in drafting improvements to the Policy. Thank you for the opportunity to comment on the Policy.

Respectfully,

PUEBLO OF LAGUNA

A handwritten signature in black ink that reads "Virgil Siow". The signature is written in a cursive, flowing style.

Virgil Siow, Governor