

SENSE INC.

## M E M O R A N D U M

TO : Rudy Ryser, Quinault Nation  
FROM : Joe Tallakson, SENSE *JST.*  
RE : Swimmer Response on Quinault Highway Inquiry  
DATE : February 3, 1986

Enclosed, for your information, is the Interior Department response to the Congressional delegation on limited funding in the BIA highway program, options with the State Public Lands Highway program, and the strong influence for cost-sharing.

Enclosure



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

JAN 24 1986

Honorable Al Swift  
House of Representatives  
Washington, D. C. 20515

Dear Mr. Swift:

We have been requested to respond to your November 14 letter of support for the Quinault Tribal Highway addressed to Secretary Hodel, cosigned by Congressmen Don Bonker and Norman Dicks. We agree on the importance of the highway and on its eligibility for funds from that portion of the Federal Highway Trust Fund set aside for Indian reservation road construction. However, many needs on Indian reservations must be met from the \$100 million annual funding available. To ensure equity, we have established a distribution formula based upon relative population, trust land area, and miles of roads on the various Indian reservations.

Within the funds available in accordance with the formula, tribal priorities govern the selection of projects. Our present estimate of the Indian reservation road funds (Highway Trust Funds) available for the Quinault Reservation is \$287,000 per year. In FY 1985 \$700,000 was obligated for surfacing Route 26, the Moclips Olympic Highway. (The additional funds were secured by borrowing from other reservations within the Portland Area. These funds must be paid back within a reasonable time; usually within five years.) For FY 1986 \$295,000 is scheduled for Taholah Streets. The FY 1987 program of projects is still tentative, but our present information is that Taholah street improvement will continue to be the highest tribal priority. If the Quinault Tribe selects as its first priority the Quinault Tribal Highway, the funds available to the Quinault Reservation during the planning and construction period can help in defraying those costs and can be used as local matching funds for State/Federal-aid funding.

Another possible source of funding is the Public Lands Highways (PLH) program. As a Federal-aid highway on federal land, SR 109 qualifies for the program. In FY 1986 the PLH program is funded at \$50 million nationwide, but it is proposed in FY 1987 and later for reduction to \$25 million annually. Application must be made by the state, and approvals are discretionary with the Federal Highway Administration. In addition to actual construction costs, right-of-way and planning costs may be approved. To be eligible for the program, the construction must be adjacent to Federal lands on both sides. Application should be made by the state by June for FY 1987 funds.

It appears that successful scheduling of this construction will depend upon negotiation of cost-sharing among all of the agencies involved; the BIA (with funds available to Quinault under the formula), the Quinault Tribe, the State of Washington, and the Federal Highway Administration. We stand ready to participate in those arrangements to the maximum of our ability.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lee Summer". The signature is written in dark ink and is positioned above the typed name.

Assistant Secretary - Indian Affairs

REC'D MAIL 13 1986

# NORTHWEST PORTLAND AREA INDIAN HEALTH BOARD

123 N.W. SECOND AVE. • ROOM 321 • PORTLAND, OREGON 97209  
(503) 228-4185

cc: Joe D-  
cc: Pearl B-  
cc: Rudy Lysir  
cc: G & C  
cc: Lyndee S.  
File: 527

April 23, 1986

The Honorable Otis R. Bowen, Secretary  
Department of Health and Human Services  
Hubert Humphrey Building, Rm. 615F  
200 Independence Avenue, SW  
Washington, D.C. 20201

Dear Dr. Bowen:

On behalf of the thirty-seven federally-recognized tribes of Oregon, Washington and Idaho, I am writing to make you aware of the concerns of our Northwest tribes on the issues of eligibility for Indian health care services. We are aware that a proposal has been drafted which would significantly alter the current Indian health eligibility criteria. We are also aware that this proposal is presently under review in your office.

In a meeting of our tribal Board of Directors on April 17, 1986, our Board voted to recommend the following criteria as a substitute to both the current criteria and the criteria set forth in your proposal (Our proposed criteria apply both to direct and contract services.):

1. One who is an enrolled member or eligible for enrollment in a federally-recognized Indian tribe regardless of residence;

OR

2. One who is an unenrolled descendant or other unenrolled Indian living within a geographic area to be determined by the tribe if the tribal council certifies that the individual has close social and economic ties with the tribe.

Our tribes are strenuously opposed to the application of a blood quantum requirement for IHS eligibility. This would be a serious infringement on tribal sovereignty and would cut off from health services large numbers of enrolled members of our tribal communities.

Health care is a legal, moral, and historic responsibility provided to Indian people because of the relationship which exists between the federal government and the tribes. Since this is a tribal benefit, each tribe should be able to assure these services to all its enrolled members, not just those who meet an arbitrary federal standard. Other Indians who are integral members of the tribal community, as certified by the tribal government, should also be eligible for IHS care, as any tribal enrollment criteria may result in a few community members "falling through the cracks".

Knowing that a policy of instituting a "means test" or a sliding fee scale for IHS care has been considered before by the Office of Management and Budget and senior department officials, we would also like to take this opportunity to remind you that health care to Indian people is not "free care" but rather a pre-paid health plan bought with the vast lands and other concessions given by Indian tribes to the U.S. government in not-so-distant times. The imposition of a "means test" or any other eligibility requirement having to do with an individual's finances would be completely unacceptable to our Northwest tribes. Accordingly, we are also opposed to the establishment of any "fee for service" care in IHS facilities, except in emergencies and to PHS employees.

Thank you for your consideration of our positions and concerns on this vital issue.

Sincerely,



Sheila Weinmann  
Executive Director

SW/mk

cc. Dr. Everett Rhoades

SENSE INC.

## M E M O R A N D U M

TO : Joe DeLaCruz, Quinault Nation Attn: Comptroller/Ryser  
 FROM : Joe Tallakson, SENSE *JET.*  
 RE : BIA Prepares Comments on Indian Self-Determination Act  
 Amendments; Especially Contract Support Funds  
 DATE : April 10, 1986

The Bureau of Indian Affairs, Division of Self-Determination Services have prepared comments on H.R. 4174 to amend the Indian Self-Determination Act. As expected, the BIA proposes to strengthen its position and, interestingly, close their statement by noting that the proposed Udall Amendments would create greater problems for BIA/Tribal contracting and then lists a number of "critical issues" which "could be addressed," including:

- tribal indebtedness, its incidence and resolution
- the impact of the indirect cost system on Tribal operations
- the proper use of grants, contracts, and cooperative agreements as award instruments
- the enforcement of contractor responsibilities to benefitting Tribal members

The proposed changes to Udall's legislation by the BIA include:

- 1) adding "responsibility" to Federal role to indicate a legal Federal responsibility in 93-638
- 2) include "policy formulation, the budget process" to planning to provide for greater Tribal involvement
- 3) add BIA responsibility for all Federal compliance
- 4) delete the definition of "contract support costs" as adding more "confusion"
- 5) providing the Secretary the authority to waive any contracting laws or regulations impeding P.L. 93-638 purpose or intent

- 6) The Section 106(h) amendments by Udall were intended to resolve CSF shortfalls and "longstanding problems" with Tribal contracting. Although Udall's bill would require payment of legitimate contractor costs, the BIA says this would simply revert the BIA back to the old system, the new system is working just fine, and proposes to add a new section that - besides providing comparable BIA CSF to Tribes - there should be a residual amount set-aside "to administer and oversee contracts." Also, a new section would be added for all Federal agencies to transfer 6 percent of their Indian program monies to the BIA to cover their Single Agency Audit Costs for OMB Circular A-128 compliance.
- 7) And finally, the last amendment would direct the Interior coordination to establish fair and consistent rules and regulations for negotiation, payment, and audit of indirect costs by all appropriate Federal agencies providing Federal Assistance. This would, of course, limit the scope of establishing Federal procedures.

Of much more interest is the first draft of the BIA memo attached for reference. Notice beginning on page 4 dealing with the infamous section 106(h) states the issue in much clearer terms and lays the basic problem at BIA CSF shortfalls in appropriations, discusses BIA deficiencies in determining levels of CSF needed, states obvious miscommunications between the BIA and Office of Inspector General, refers to the theoretical underrecovery issue and problems associated with BIA reprogramming to address CSF shortfalls. Of course, the first draft has been cleaned up for public consumption.

Neither of these documents are official and should be treated as reference. And, I'd rather not be quoted as a source as this would quickly dry up my access.

The House Interior and Insular Affairs staff expect a hearing scheduled for "May or June."

Enclosure



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C. 20245

IN REPLY REFER TO:

## Self-Determination Services

TO: Congressional and Legislative Affairs  
FROM: Deputy to the Assistant Secretary - Indian Affairs (Tribal Services)  
SUBJECT: H.R. 4174; A Bill to Amend the Indian Self-Determination Act of 1974

We have reviewed the subject Bill and believe the Bureau and Department should support its passage after certain additions and clarifications.

The purpose of the proposed amendments is to:

1. Clarify and strengthen certain provisions of the Act,
2. Resolve or eliminate deficiencies associated with the implementation of current legislation, and
3. Reaffirm Self-Determination as national Indian policy applicable to all Federal Agencies.

The Bill as proposed addresses these objectives but we feel it can be strengthened by additional amendments. We also believe that some of the proposed changes will not remedy problems as intended but will rather create additional problems.

Therefore, we have recommended changes to the proposed Bill followed by comments as to the rationale and/or necessity for the changes. We have also made marginal comments or inserts to the proposed HR 4174, (attached).

1. Sec. 2(a) (1): line 1, page 2: change roles to role, add and responsibilities for and delete the word in which follows roles.



These changes would strengthen Section 2(a) (1) by indicating Federal Agencies have the legal responsibility as well as a role for the implementation of Self-Determination.

2. Change Sec. 2 (a) (3), line 8 to read ... "that Indian tribes have an effective voice in policy formulation, the budget process and planning for the implementation of programs for the benefit of Indians." (suggested revision underlined).

Experience indicates tribes have little influence in the planning process on Indian programs. We have long felt that if tribes participated more directly in the planning and development of program policy and budget documents then they would be more inclined to support and implement such programs - and that this would provide tribes a realistic role in the Self-Determination process.

3. On page 3, following line 18 and before Sec 4, we recommend an additional amendment to the proposed Bill. That is, an addition to the present Section 7(b), add a sub-item (3) as follows:

- (3) The Bureau of Indian Affairs shall have the responsibility for monitoring the compliance of all Federal Agencies with Section 7(b)(1) and (2) and shall assist tribes in their efforts to require such compliance.

The enforcement of 7(b) would benefit tribal economies as well as have some impact on the horrendous unemployment rates on reservations. The primary consideration is that 7(b) be enforced Federal-wide as intended by the legislation.

4. Section 3, page 3, Section 4. A new subsection (h) "contract support costs" proposes a definition of this term. We recommend this proposed definition be deleted. Its inclusion will add even greater confusion to the process for reimbursement of contractor costs.

5. Section 6, page 5, subsection 106(a) is amended to permit tribes and tribal organizations to request waivers of ... "such laws or regulations"... whereas the present subsection 106 (a) states "the appropriate Secretary may waive any provisions of such contracting laws or regulations"... "which he determines are not appropriate "... "or (is) inconsistent with the provisions of this Act."

✓ We concur with the proposed amendment to allow tribes and tribal organizations to request waivers but would recommend a revision to the first part of the language of Sec. 106 (a). That is, delete contracting from the phrase "if such contracting laws or regulations ..." The Secretary would retain the authority to waive any contracting laws or regulations but more importantly he could waive any other laws or regulations which impede the implementation of the purpose or intent of the Act.

For example, the recently enacted Gramm/Rudman/Hollins (GRH) Act presents an unintended compliance problem or contradiction between two Federal statutes. The Bureau is required to provide General Assistance to recipients based on the Public Assistance program formula or allocation of States. The Bureau is subject to GRH reductions but States are not. Consequently, the Bureau will experience a substantial shortfall for General Assistance or must reprogram funds to meet the state's formulas.

These are probably other instances where one statute is inconsistent with another, especially when one considers the unique nature of Indian Affairs. The Bureau does have unusual responsibilities related to its obligation to uphold Indian Treaty Rights and carry out its trust responsibilities to Indian tribes and individuals.

We do not agree with the language that requires the waiver to be granted unless declined in accord with "criteria provided in Section 102 or 103 of this Act. . . ." This is neither germane nor appropriate.

6. Section 8, pages 5 and 6 propose a series of substantive revisions to the present Sec. 106 (h). The purpose of the revisions is to resolve long standing problems associated with the funding of tribally contracted programs as well as the constant shortfall for contract support funds (CSF).

We appreciate that the proposed legislation attempts to deal with the issues associated with the payment of legitimate contractor costs in operating contracts under P.L. 93-638. However, we believe that the proposed bill does not address the problem areas. The Bill would require the Bureau to revert to a system almost identical to the one we were directed to change by Congress beginning in Fiscal Year ~~(FY 1985)~~. It also re-labels as "contract support" certain costs which are already defined through established Federal Government accounting systems and are provided for under the tribal indirect cost rate procedure. Consequently, the proposed Bill as written would add confusion to the existing indirect cost rate system recognized and utilized by activities funded by the Federal Government.

We believe that the new system currently being used by the BIA, as directed by Congress, is a significant step in the right direction. That is, under the new system contractors receive total amounts for each contracted program from which they are able to meet their direct and indirect costs.

We also suggest that the proposed Section 106(h)(1) will result in another problem, a problem which cannot be resolved except by an additional amendment to 106(h). The problem, in fact, is inherent in the original legislation, i.e., there is a flaw or deficiency in the Act.

To explain, the proposed change to Section 106(h)(1) states:

"(h)(1) The amount of funds provided under the terms of contracts entered pursuant to this Act shall be no less than the appropriate Secretary would have otherwise provided for his direct operation of the programs ~~of~~ portions thereof for the period covered by the ~~contract~~ Provided, That, to such amount shall be added contract support costs which shall be negotiated annually with each contractor.

This revision effectively precludes the Bureau from continuing its practice of retaining program funds for required residual functions. That is, the Bureau must administer and oversee (monitor and provide technical assistance) tribal contracts to protect Federal funds and insure an adequate level of service to the recipient population. The Bureau is required by regulation, i.e., by Parts 271, 276 and OMB Circular A-123, to oversee tribal programs. Therefore, by retaining funds for "residual functions" (in amounts ranging from 20 to 40 percent of the program funds) the Bureau is clearly out of compliance with the Sec. 106(h). On the other hand, if the Bureau does not retain funds to administer and oversee tribal programs it will be out of compliance with other Federal statutory or regulatory requirements and deviate from good program administrative practices. Clearly this problem stems from a flaw or deficiency in the original Act, i.e., the Bureau must perform certain residual functions but the legislation does not provide support to carry out the functions.

Consequently, we recommend an additional amendment to Section 106(h) as Section 106(h)(6) to read:

- (6) The Bureau of Indian Affairs shall retain such staff as necessary to administer and oversee any contracts awarded to tribes under this Act, and funding to perform this function will be requested in the appropriate program line item in the Bureau's budget request.

This provision would require the Bureau to go back through all tribal contracts and provide "no less than the appropriate Secretary would have otherwise provided for his direct operative of the programs ... covered by the contract" in order to be in compliance with 106 (h) (1). It would also require the Bureau to assess staffing needs and other costs to properly administer and oversee tribal all contracts. The Bureau's appropriation requests would cover costs associated with the administration and oversight of tribal contracts.

We also recommend the addition of a Sec. 106 (h) (7) as a means to anticipate and avoid potential problems for the Bureau and tribes associated with P.L. 98-502, the Single Agency Audit Act, as follows:

- (7) All Agencies providing Federal Assistance to Indian Tribes shall transfer an amount no less than 6 percent of their Indian program budget to the Bureau for costs associated with the Single Agency Audit Act under OMB Circular A-128.

The Bureau has been designated by OMB as the cognizant agency for the implementation of this Act as prescribed by A-128. As cognizant agency the BIA must insure that all tribes in receipt of \$ 100,000 or more Federal funds must undergo an A-128 audit in FY 1987 or face possible sanctions. In addition, the Bureau must track corrective actions taken by tribes to correct audit deficiencies.

In order to avoid massive disruptions of tribal programs by virtue of sanctions required by A-128 the Bureau very likely will have to:

Provide assistance to tribes to prepare for A-128 audits,

Provide funds, in some instance, to pay for an audit, and

Provide assistance to tribes for corrective action/audit resolution.

We estimate up to 20 percent of the tribes will need assistance to prepare for audits, upward of 35 percent will need some funds to pay for audits and a like percentage will require assistance for audit resolutions. The cost associated with these activities is estimated at 6 percent based on 2 1/2 percent for assistance for audit preparation, 1 1/2 percent for audit costs and 2 percent for audit tracking and resolution.

7. Section 10, page 7 adds an amendment to Sec. 106 as Sec. 106 (j). authorizing the Secretary of the Interior to coordinate rule changes in order to establish fair and consistent procedures in the funding and administration of programs for Indian tribes.

This provision would impose a substantial workload on the Department and would put the Department in an oversight role over other Departments. Consequently, we doubt its practicality. However, if it is to be adopted we propose that the first sentence of Section 106(j) be adjusted to read:

"(j) The Secretary of the Interior shall conduct, coordinate and direct an effort by all appropriate Federal agencies providing Federal Assistance to Indian tribes to revise their rules and regulations in order to establish fair and consistent procedures for the negotiation, payment and audit of indirect costs of ~~other~~ costs on grants and contracts with Indian tribes and tribal organization. (revision underlined)

This change would allow the Secretary to establish procedures for grants as well as contracts and is essential with the impending A-128 audits.

The proposed amendments, and our comments, do not address the totality of problems and issues that have arisen in the P.L. 93-638 contracting process since 1976. In reality, the proposed amendments, if enacted as is, likely would result in more and greater problems for tribal contractors and the Bureau, and would leave untouched the major problems affecting tribal contracting. Some of the more critical issues, such as tribal indebtedness, its incidence and resolution; the impact of the indirect cost system on tribal operations; the proper use of contracts, grants, and cooperative agreements as award instruments and the legal niceties associated therewith; the enforcement of contractor responsibilities to benefitting tribal members -- these are but some of the issues that could be addressed. Bureau-wide effort should be made toward this objective.

Self-Determination Services

TO: Congressional and Legislative Affairs  
FROM: Director, Office of Indian Services  
SUBJECT: HR 4174 a Bill to Amend the Indian Self-Determination  
Act of 1974

We have reviewed the subject Bill and believe the Bureau and Department should fully support passage of amendments to the Act.

The purpose of the proposed amendments, it appears, is to:

1. Clarify and strengthen certain provisions of the Act.
2. Resolve or eliminate deficiencies associated with the implementation of current legislation and
3. Reaffirm Self-Determination as national Indian policy applicable to all Federal Agencies.

The Bill, as proposed, largely accomplishes these ends but we feel the Act can be further strengthened by additional amendments. We also believe that some of the proposed changes will not remedy problems as intended but will rather create additional problems.

Therefore, we have recommended a number of changes to the proposed Bill followed by comments as to the rationale and/or necessity for the changes. We have also made marginal comments or inserts to the proposed HR 4174, (attached). The recommended changes follow:

Sec. 2(a) (1): line 1, page 2: change roles to role, add and responsibilities for and delete the word in which follows roles.

These changes would strengthen Section 2(a) (1) by indicating Federal Agencies have the legal responsibility as well as a role for the implementation of Self-Determination.

Change Sec. 2 (a) (3), line 8 to read ... "that Indian Tribes have an effective voice in policy formulation, the budget process and planning for the implementation of programs for the benefit of Indians." (suggested revision underlined).

Experience indicates tribes have little influence through the planning process on Indian programs. We have long felt that tribes would have a more effective voice and exercise a greater degree of Self-Determination if they provided input for program policy and the budget process of Federal Agencies.

On page 3, following line 18 and before Sec 4, we recommend an additional amendment to the proposed Bill. That is, an addition to the present Sec. 7(b), add a sub-item (3) as follows:

- (3) The Bureau of Indian Affairs shall have the responsibility for the monitoring and the enforcement of all Federal Agencies compliance with Sec. 7(b) (1) and (2).

The enforcement of 7(b) would benefit tribal economics as well as have some impact on the horrendous unemployment rates on reservations.

While the Bureau may be the logical enforcement entity it need not be. The primary consideration is that 7(b) is enforced Federal-wide as intended by the legislation.



Section 6, page 5, subsection 106(a) is amended to permit tribes and tribal organizations to request waivers of ... "such laws or regulations"... whereas the present subsection 106 (a) states "the appropriate Secretary may waive any provisions of such contracting laws or regulations"... "which he determines are not appropriate "... "or (is) inconsistent with the provisions of this Act."

We concur with the proposed amendment to allow tribes and tribal organizations to request waivers but would recommend a minor revision to the first part of the language of Sec. 106 (a). That is, delete contracting from the phrase "if such contracting laws or regulations ...". The Secretary would retain the authority to waive any contracting laws or regulations but more importantly he could waive any other laws or regulations which impede the implementation of the purpose or intent of the Act.

For example, the recently enacted Gramm/Rudman/Hollins (GRH) Act presents an unintended compliance problem or contradiction between two Federal statutes. The Bureau is required to provide General Assistance to recipients based on the Public Assistance program formula or allocation of States. The Bureau is subject to GRH reductions but States are not. Consequently, the Bureau will experience a substantial shortfall for General Assistance or must re-program funds to meet the State's formulas.

These are probably other instances where one statute is inconsistent with another, especially when one considers the unique nature of Indian Affairs. The Bureau does have unusual responsibilities related to its obligation to

uphold Indian Treaty Rights and carry out its Trust Responsibilities to Indian Tribes and individuals.

Section 8, pages 5 and 6 propose a series of substantive revisions to the present Sec. 106 (h). The purpose of the revisions is to resolve long standing problems associated with the funding of tribally contracted programs as well as the constant shortfall for contract support funds (CSF).

Despite the intent, it is our opinion that Sec. 106 (h) (1) will surface another problem, a problem which cannot be resolved except by an additional amendment to 106 (h). This problem, in fact, is inherent in the original legislation, but for a number of reasons, which will be described below, has never been identified as a problem.

To explain, the proposed change to Sec. 106 (h) (1) states:

"(h) (1) The amount of funds provided under the terms of contracts entered pursuant to this Act shall be no less than the appropriate Secretary would have otherwise provided for his direct operation of the programs or portions thereof for the period covered by the contract. Provided, That, to such amount shall be added contract support costs which shall be negotiated annually with each contractor.

This revision effectively precludes the Bureau from continuing its practice of retaining program funds for required residual functions. That is, the Bureau must administer and oversee (monitor and provide technical assistance) tribal contracts to protect Federal funds and insure an adequate level of service to the recipient population. The Bureau is required by regulation or i.e. regulation by Parts 271, 276 and OMB A 123, to oversee tribal programs. Therefore, by retaining funds for "residual functions"

(in amounts ranging from 20 to 40 percent of the program funds) the Bureau is clearly out of compliance with the Sec. 106 (h). On the other hand, if the Bureau does not retain funds to administer and oversee tribal programs it will be out of compliance with other Federal statutory or regulatory requirements and deviate from good program administrative practices. Clearly this problem stems from a flaw or deficiency in the original Act, i.e. the Bureau must perform certain residual functions but the legislation does not provide support to carry out the functions.

The deficiency in the Act did not surface because, at the time the Act was passed and implemented, tribes had access to planning grants from HUD and EDA, program administrative funds from ONAP/ANA and several thousand Public Service Employment slots from DOL's CETA Title II and VI programs. Tribes also received CSF to partially offset the Bureau's retention of program funds. And finally access to jobs under contracts were a factor which, we believe, resulted in tribes not objecting to Bureau action. This, as stated above, constitutes the Bureau being out of compliance with Section 106 (h).

Consequently, we recommend an additional amendment to 106 (h), i.e. 106 (h) (6), but first we must note that the proposed 106 (h) (1) will void the new procedure for allocating CSF instituted in FY 1985. The new procedure or system was implemented as a result of a Congressional directive to do so. The system, simply stated, combines contract program funds and CSF under a single budget for continuation tribal contracts. The Bureau requests a CSF appropriation under this system for new contracts only. The system is a workable one and resolves many past problems with CSF. That is, delays in the distribution of funds, the confusion as to the level of funding and eliminates the annual request for a CSF supplemental appropriation. But it

Consequently, there have been widespread criticism of the new system, but we submit, the problem lay not with the system but with the level of appropriation. Note there would be a problem under any system, old or new, where there's a shortfall for CSF.

The inadequate level of appropriations stem from a number of factors. First, the Bureau in the past, has not requested a CSF appropriation based on sound data. There have been errors and omissions relative to contracts by area, misapplication of indirect cost rates as well as underestimates of new tribal contracting for a succeeding fiscal year. Committee staff do not appear to understand the process for CSF and tend to attribute shortfall problems solely to Bureau incompetence. They do not accept the fact that the OIG negotiates and approves indirect-cost rates so they seem convinced the Bureau allows tribes to "get fat" on CSF.

The OIG knowingly contributes by disallowing costs during audits for funds a tribe does not receive (theoretical overrecovery) from other agencies as their share for indirect cost rates. Tribes must cover the disallowed costs or face debt collection action.

The amendments, if enacted, as proposed by Sec. 106 (h) (1),(2) and (5) may resolve the shortfall problem but other problems would remain. Therefore, we recommend the following changes:

A section 106(h)(6) is added to read as indicated below:

- (6) The BIA shall retain such staff as necessary to administer and oversee any contracts awarded to tribes under this Act.

This provision would require the Bureau to go back through all tribal contracts and provide "no less than the appropriate Secretary would have otherwise provided for his direct operative of the programs ... covered by the contract" in order to be in compliance with 106 (h) (1). It would also require the Bureau to assess staffing needs and other costs to properly administer and oversee tribal all contracts. The Bureau's appropriation requests would cover costs associated with the administration and oversight of tribal contracts.

Also change Section 106 (h) (1) line 23 to read:

... "amount shall be added to new contracts as contract support costs which shall" ... (revision underlined)

This will allow the Bureau to continue the new procedure for CSF described above. The new system, as previously mentioned, is a workable one and we believe the Bureau now has relatively sound data on which to request an appropriation. This data was gathered during the change over to the new system.

This obviously would be very difficult to achieve given the reductions in Federal expenditures, but it would bring the Bureau into compliance with the Act and rectify a major deficiency in the original legislation. It should be noted that the Bureau addressed shortfalls for programs and CSF funding by (1) across the board percentage reductions in the amount of CSF tribes are entitled to and (2) by the reprogramming of funds, usually from grant programs. Also note that reprogramming not only takes from tribes to give to tribes in an inequitable manner, it does not resolve shortfall problems because reprogramming is necessary in succeeding years.

We also recommend the addition of a Sec. 106 (h) (7) as a means to anticipate and avoid potential problems for the Bureau and tribes associated with P.L. 98-502 the Single Agency Audit Act, as follows:

- (7) All Agencies providing Federal Assistance to Indian Tribes shall transfer an amount no less than 6 per-cent of their Indian program budget to the Bureau for costs associated with the Single Agency Audit Act under OMB Circular A-128.

The Bureau has been designated by OMB as the cognizant agency for the implementation of this Act as prescribed by A-128. As cognizant agency the BIA must insure all tribes in receipt of \$ 100,000 or more Federal funds must undergo an A-128 audit in FY 1987 or face possible sanctions. In Addition, the Bureau must, track corrective actions of tribes to an audit resolution for those instance where audit deficiencies are found.

In order to avoid massive disruptions of tribal programs by virtue of sanctions requistimate up to 20 percent of the tribes will need assistance to prepare for audits, upwards of 35 percent will need some funds to pay for audits and a like percentage will require assistance for audits resolutions.

In order to avoid massive disruptions of tribal programs by virue of sanctions required by A-128 the Bureau will very likely have to:

Provide assistance to tribes to prepare for A-128 Audits

Provide funds, on some instance, to pay for an Audit

Provide assistance to tribes for corrective action/audit resolution.

We estimate up to 20 percent of the tribes will need assistance to prepare for audits, upward of 35 percent will need some funds to pay for audits and a like percentage will require assistance for audits resolutions. The cost associated with these activities is estimated at 6 per-cent based on 2 1/2 per-cent for assistance for audit preparation, 1 1/2 per-cent for audit cost and 2 per-cent for audit tracking and resolution.

Section 9, page 7 amends Sec. 106 by adding Sec. 106(i). This subsection would insure that the BIA and IHS were more responsive to Tribal requests to contract thereby strenghting the implementation of the Act. We concur with this change but would add to it as follows:

At the end of sec. 106 (i) add: The appropriate Secretary shall also assign to this official the responsibility for all activities requiried under OMB Circular A-128, the provisions for Single Agency Audits.

Also add: The appropriate Secretary will also direct all Area Directors to desingnate 638 Program Specialist and All Agency Superintendents shall likewise designate a program officer to ensure that the provisions of this subsection are effeciently implemented.

These provisions would ensure proper staff support for the administration and oversight of the Self-Determination program. There is a trend to phase out program staff at the Bureau field level as a result of reductions in personnel ceilings and budgets. This, just when sound staff support has become more essential with the advent of the Debt Collection Act as well as A-123 and A-128.

Section 10, page 7 adds an this amendment to Sec. 106 as Sec. 106 (j). authorizing the Secretary of the Interior to coordinate rule changes in order to establish fair consistant procedures in the funding and administration of programs for Indian Tribes.

We concur with this Change but would revise the first sentence of Sec. 106 (j) to read :

"(j) The Secretary of the Interior shall conduct, coordinate and direct an effort by all appropriate ~~depart~~ Federal agencies providing Federal Assistance to indian tribes to revise their rules and regulations in order to establish fair and consistent procedures for the negotiation, payment and audit of indirect costs of order costs on grants and contract with Indian tribes and tribal organization. (revision underlined)

This change would allow the Secretary to establish procedures for grants as well as contracts and is essential with the impending A-128 audits.



SENSE INC.

## M E M O R A N D U M

REC'D MAR 31 1986

TO : Joe DeLaCruz, Quinault Nation Attn: Linda Blackburn  
FROM : Joe Tallakson, SENSE *Joe*  
RE : Senate Contra Aid Letters  
DATE : March 28, 1986

Enclosed, for your files, are copies of your Senate correspondence opposing contra aid. It was close!

Enclosures



## Quinault Indian Nation

POST OFFICE BOX 189 □ TAHOLAH, WASHINGTON 98587 □ TELEPHONE (206) 276-8211

March 25, 1986

The Honorable Slade Gorton  
513 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Gorton:

The U.S. Senate will consider President Reagan's request for \$100 million in military and "non-lethal" aid for the Honduran based "contra" insurgent forces this week. I strongly urge you to vote in opposition to this request and urge your support instead for a comprehensive hemispheric effort to formulate a negotiated peace in Central America. Social and economic aid to the region with particular attention to the indigenous populations is the logical United States involvement. More military aid will simply drive the poverty classes into the arms of the communists.

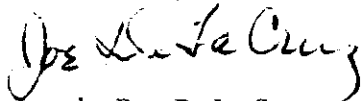
Mr. Reagan's aggressively militaristic approach to dealing with conflicts in Central America and the Caribbean in general exacerbates rather than calms the already hostile atmosphere in this region. Indeed, after speaking with Central American Indian leaders regarding U.S. policies in that region I am of the opinion that virtually all of U.S. military aid and transfers to states in Central America are directly responsible for the killing of thousands of Indians from Southern Mexico to Panama. In addition, such aid in the form of direct financial support, material transfers or third party transfers have contributed to the deaths of no fewer than 100,000 Indian people.

If the United States government contributes \$100 million in support of the "contras" in Honduras it will not (as nearly everyone concedes) succeed in the overthrow of the Sandinista government, nor will such aid contribute to "nudging" the Sandinistas to negotiate with the "contras." Indeed, military and other support to the "contras" will contribute to more Indian deaths in Wan Tasbia - Indian Nicaragua. U.S. aid will be converted into support for the "contras" to attack Indian villages, and it will provide a justification for the Sandinista government to increase its attacks on tens of villages - frequent targets of Sandinista "Push-Pull" aircraft. The result of Mr. Reagan's military support of the "contras" will in fact be the killing and dislocation of more Indian people.

The Honorable Slade Gorton  
March 25, 1986  
Page Two

I urge the more sensible policy of negotiating a comprehensive peace including participation of Indian Nations. I urge you to reject the Reagan Administration's \$100 million proposal.

Sincerely yours,

A handwritten signature in cursive script that reads "Joe DeLaCruz".

Joseph B. DeLaCruz  
Chairman



# QUINLAN INDIAN NATION

POST OFFICE BOX 189 ☐ TAHOLAH, WASHINGTON 98687 ☐ TELEPHONE (206) 276-8211

March 25, 1986

The Honorable Daniel Evans  
702 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Evans:

The U.S. Senate will consider President Reagan's request for \$100 million in military and "non-lethal" aid for the Honduran based "contra" insurgent forces this week. I strongly urge you to vote in opposition to this request and urge your support instead for a comprehensive hemispheric effort to formulate a negotiated peace in Central America. Social and economic aid to the region with particular attention to the indigenous populations is the logical United States involvement. More military aid will simply drive the poverty classes into the arms of the communists.

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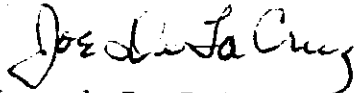
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March 25, 1986

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Joseph B. DeLaCruz  
Chairman



**CENTRAL AMERICAN INDIAN NATIONAL COUNCIL**  
POST OFFICE BOX 189 □ TAHOLAH, WASHINGTON 98587 □ TELEPHONE (206) 276-8211

March 25, 1986

The Honorable Mark Hatfield  
711 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Hatfield:

The U.S. Senate will consider President Reagan's request for \$100 million in military and "non-lethal" aid for the Honduran based "contra" insurgent forces this week. I strongly urge you to vote in opposition to this request and urge your support instead for a comprehensive hemispheric effort to formulate a negotiated peace in Central America. Social and economic aid to the region with particular attention to the indigenous populations is the logical United States involvement. More military aid will simply drive the poverty classes into the arms of the communists.

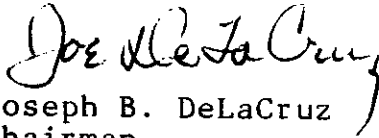
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The Honorable Mark Hatfield  
March 25, 1986  
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Joseph B. DeLaCruz  
Chairman



## Quinault Indian Nation

POST OFFICE BOX 189 □ TAHOLAH, WASHINGTON 98587 □ TELEPHONE (206) 276-8211

March 25, 1986

The Honorable Mark Andrews  
724 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Andrews:

The U.S. Senate will consider President Reagan's request for \$100 million in military and "non-lethal" aid for the Honduran based "contra" insurgent forces this week. I strongly urge you to vote in opposition to this request and urge your support instead for a comprehensive hemispheric effort to formulate a negotiated peace in Central America. Social and economic aid to the region with particular attention to the indigenous populations is the logical United States involvement. More military aid will simply drive the poverty classes into the arms of the communists.

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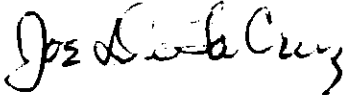
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The Honorable Mark Andrews  
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Joseph B. DeLaCruz  
Chairman



## Quinault Indian Nation

POST OFFICE BOX 189 □ TAHOLAH, WASHINGTON 98587 □ TELEPHONE (206) 278-8211

March 25, 1986

The Honorable Bob Packwood  
259 Russell Senate Office Building  
Washington, D.C. 20510

Dear Senator Packwood:

The U.S. Senate will consider President Reagan's request for \$100 million in military and "non-lethal" aid for the Honduran based "contra" insurgent forces this week. I strongly urge you to vote in opposition to this request and urge your support instead for a comprehensive hemispheric effort to formulate a negotiated peace in Central America. Social and economic aid to the region with particular attention to the indigenous populations is the logical United States involvement. More military aid will simply drive the poverty classes into the arms of the communists.

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Joseph B. DeLaCruz  
Chairman

# SENSE INC.

86-21

cc: Jim Harp  
Al Steege  
Rudy Roper

FILE: 135

REC'D MAR 17 1986

## MEMORANDUM

TO : Joe DeLaCruz, Quinault Nation  
ATTN: Harp/Steege/~~Roper~~

FROM : Joe Tallakson, SENSE *JrT*

RE : Udall Introduces Bill to Address Contract Support Issue

DATE : March 10, 1986

Congressman Mo Udall, Chairman of the House Interior and Insular Affairs Committee, co-sponsored by Congressman Richardson (New Mexico), introduced H.R. 4174, "Indian Self-Determination Amendments of 1986" in late February. As you'll note, the amendments address contract support funds including a definition of CSF, broadening the definition to include construction under the broad programs category.

Basically, the bill requires the BIA/IHS to provide 638 contracts at the same level it cost the agency to operate the program; contracts can only be increased/decreased by the consent of the contract "or equitably reflect an increase or decrease in the level of appropriations;" savings may be carried over to the next fiscal year; the BIA/IHS at the request of a Tribe must disclose "the most current amount of funding planned, obligated, and expended for any program, activity or function; or portion thereof, administered for the benefit of such Tribe down to the fourth level of each agency's accounting system;" each Secretary shall request necessary CSF funds anticipated each fiscal year and report to Congress by July 15 "identifying any deficiency of funds requested below estimated needs;" and, the Secretary of Interior is to coordinate with all appropriate Federal agencies "to establish fair and consistent procedures for the negotiation, payment, and audit of indirect costs or other costs on grants and contracts with Indian Tribes/organizations" providing that an appeal and a hearing process will be established for any cost disallowance charges.

The bill was introduced rather than hold another oversight hearing to give Tribes something to respond and amend; thus speeding the legislative process. A hearing is tentatively scheduled for May.

Enclosure

99TH CONGRESS  
2D SESSION

# H. R. 4174

To amend the Indian Self-Determination Act of 1974, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 1986

Mr. UDALL (for himself and Mr. RICHARDSON) introduced the following bill;  
which was referred to the Committee on Interior and Insular Affairs

---

## A BILL

To amend the Indian Self-Determination Act of 1974, and for  
other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That this Act may be cited as the "Indian Self-Determina-  
4 tion Amendments of 1986".

5 SEC. 2. (a) The Congress finds that—  
6 (1) the Indian Self-Determination and Education  
7 Assistance Act of 1975 (Public Law 93-638, 25  
8 U.S.C. 450, et. seq.), (the "Act") has furthered the de-  
9 velopment of local self-government and education op-  
10 portunities for Indian tribes but its goals and progress  
11 have been impeded by lack of clarity and direction on

1 the part of Federal agencies regarding their roles in  
 2 implementing the Federal policy of Indian self-  
 3 determination;

4 (2) the Federal responsibility for welfare of Indian  
 5 tribes demands effective self-government by Indian  
 6 tribal communities; and

7 (3) additional legislation is necessary to assure  
 8 that Indian tribes have an effective voice in the plan-  
 9 ning and implementation of programs for the benefit of  
 10 Indians.

11 SEC. 3. Section 4 of the Act is amended as follows:

12 (1) Strike subsection (b) and insert in lieu thereof  
 13 the following new subsection (b):

14 "(b) 'Indian tribe' means any Indian tribe, band, nation,  
 15 or other organized group or community, including any Alaska  
 16 Native village or any Alaskan Native regional association  
 17 listed in section 7(a) of the Alaska Native Claims Settlement  
 18 Act (43 U.S.C.A. 1601 et. seq.) which is recognized as eligi-  
 19 ble for the special programs and services provided by the  
 20 United States to Indians because of their status as Indians."

21 (2) Insert the following new subsection (g):

22 "(g) 'Construction' means the planning, design, con-  
 23 struction, repair, improvement, expansion, and decoration of  
 24 buildings or facilities including, but not limited to, housing,  
 25 roads, schools, administration and health facilities, irrigation

1 works and water conservation, flood-control, or port facilities  
 2 on any lands title to which is held in trust for the benefit of  
 3 any Indian tribe or individual or by any Indian tribe or indi-  
 4 vidual, subject to a Federal restriction against alienation or  
 5 encumbrance, or any lands under the jurisdiction of the Sec-  
 6 retary of the Interior within the limits of any Indian reserva-  
 7 tion or any other lands set apart by the Secretary of the  
 8 Interior for the use, occupancy or benefit of any Indian  
 9 tribe."

10 (3) Insert the following new subsection (h):

11 "(h) 'Contract support costs' means reasonable costs for  
 12 activities which must be carried on by a tribal organization as  
 13 a contractor under the Act to ensure compliance with the  
 14 terms of the contract and prudent management but which (i)  
 15 normally are not carried on by the respective Secretary in his  
 16 direct operation of the program or (ii) are provided by the  
 17 Secretary in support of the contracted program from re-  
 18 sources other than those under contract."

19 SEC. 4. Subsection (a) of section 102 is amended as fol-  
 20 lows:

21 (1) insert after the words "administer programs,"  
 22 the words "function, or activities, including construc-  
 23 tion programs, activities, or functions,";

24 (2) insert after the words "subsequent thereto"  
 25 the following: "including (i) any program, function, or

1 activity administered by the Secretary for the benefit of  
 2 Indians for which appropriations are made to agencies  
 3 other than the Department of the Interior, and (ii) any  
 4 program, function, or activity for the benefit of Indians  
 5 without regard to the agency or office of the Depart-  
 6 ment of the Interior which it is performed";

7 (3) insert after the words "of the particular pro-  
 8 gram" the word, "activity"; and

9 (4) strike the word "project" and insert in lieu  
 10 thereof the words, "programs, activity".

11 Sec. 5. Subsection (a) of section 103 of the Act is  
 12 amended as follows:

13 (1) inserting after the words "as amended" the  
 14 words: "or any program, activity or function, or por-  
 15 tion thereof, which the Secretary is authorized to ad-  
 16 minister for the benefit of Indians including (i) any such  
 17 program, function, or activity for which appropriations  
 18 are made to agencies other than the Department of  
 19 Health and Human Services and (ii) any such program,  
 20 function or activity without regard to the agency or  
 21 office within which it is performed within the Depart-  
 22 ment of Health and Human Services";

23 (2) insert after the words, "of the particular pro-  
 24 gram" the word "activity"; and

1 (3) strike the word "project" and insert in lieu  
 2 thereof the words, "program, activity".

3 SEC. 6. Subsection (a) of section 106 of the Act is  
 4 amended by striking the period at the end thereof and adding  
 5 the following: "*Provided, further,* That any request by an  
 6 Indian tribe or tribal organization for a waiver of such laws  
 7 or regulations or other regulations of the appropriate Secre-  
 8 tary shall be granted unless declined in accordance with the  
 9 criteria provided in section 102 or 103 of this Act and under  
 10 the procedures established by regulation for the declination of  
 11 tribal requests under such sections."

12 SEC. 7. Subsection (e) of section 105 of the Act is  
 13 amended by deleting the words "on or before December 31,  
 14 1985".

15 SEC. 8. Subsection 106 of the Act is amended by dele-  
 16 ing subsection (h) and adding the following new subsection  
 17 (h):

18 "(h)(1) The amount of funds provided under the terms of  
 19 contracts entered pursuant to this Act shall be no less than  
 20 the appropriate Secretary would have otherwise provided for  
 21 his direct operation of the programs or portions thereof for  
 22 the period covered by the contract: *Provided,* That, to such  
 23 amount shall be added contract support costs which shall be  
 24 negotiated annually with each contractor.

1           “(2) Once contract obligations are negotiated, the con-  
2 tract amount may be increased or decreased only with the  
3 consent of the contractor or equitably to reflect an increase or  
4 decrease in the level of appropriations.

5           “(3) Any savings in operation or administration of such  
6 contract shall be utilized to provide additional services or  
7 benefits under the contract and may be carried over to the  
8 succeeding fiscal year without any reduction in the funding to  
9 which the contractor is otherwise entitled. Grounds for de-  
10 clining to carry over such saving shall be limited to those  
11 grounds specified in sections 102 and 103 of the Act.

12           “(4) At the request of any Indian tribe, the appropriate  
13 Secretary shall disclose the most current amount of funding  
14 planned, obligated, and expended for any program, activity or  
15 function, or portion thereof, administered for the benefit of  
16 such tribe down to the fourth level of each agency's account-  
17 ing system.

18           “(5) The appropriate Secretary shall include in annual  
19 budget requests to the Congress a request for the funds nec-  
20 essary to provide contract support costs for all contracts an-  
21 ticipated in the fiscal period covered by the request and shall  
22 provide a supplemental report to the Congress on or before  
23 July 15 of each year identifying any deficiency of funds re-  
24 quested below estimated needs.”

1           Sec. 9. Section 106 of the Act is further amended by  
2 adding the following new subsection (f):

3           “(f) The appropriate Secretary shall insure the respon-  
4 sive and efficient consideration of tribal requests under sec-  
5 tions 102, 103, and 104 of the Act by designating an official  
6 within the Bureau of Indian Affairs or the Indian Health  
7 Services who shall supervise the review of applications and  
8 the negotiation, award and monitoring of contracts by the  
9 Bureau of Indian Affairs or the Indian Health Service and  
10 shall be charged with the duty to further the purposes of this  
11 Act. The appropriate Secretary shall also delegate to such  
12 official the authority to review at the request of the contrac-  
13 tor decisions to decline contract applications subject to the  
14 right of any applicant to an appeal and hearing as provided in  
15 this Act.”

16           Sec. 10. Section 106 of the Act is further amended by  
17 adding the following new subsection (g):

18           “(g) The Secretary of the Interior shall conduct, coordi-  
19 nate and direct an effort by all appropriate Federal agencies  
20 contracting with Indian tribes to revise their rules and regu-  
21 lations in order to establish fair and consistent procedures for  
22 the negotiation, payment and audit of indirect costs or other  
23 costs on grants and contracts with Indian tribes and tribal  
24 organizations: *Provided*, That, such rules and regulations shall  
25 require each Federal agency to give notice of any disallow-



1 ance of costs within 365 days of receiving any required audit  
2 report as a condition of seeking any recovery or other remedy  
3 and shall provide for an appeal and a hearing under the rules  
4 of the contract board of appeals of the appropriate agency on  
5 any such disallowance.”.

6 SEC. 11. Section 8 of the Act is amended by adding  
7 after the period the following sentence: “In the event such  
8 funds are obligated but not expended during such succeeding  
9 fiscal year, they may be expended during the next succeeding  
10 fiscal year.”.

○

TO: JOE DELACRUZ  
FROM: R.C. RYSER  
DATE: 27 FEBRUARY 1985



SUBJECT: APPLICABILITY OF INDIRECT-COST COVERAGE TO ADVISOR POSITIONS IN OED

You have requested a tabulation of duties and responsibilities for the positions of the Fisheries and Environmental Advisor, Economic and Natural Resources Advisor, and Public Relations Advisor within the Office of Executive Director to determine the applicability of indirect-cost coverage.

As noted in QUINALT ADMINISTRATION, Mission, Goals, Objectives and Position Descriptions (September 30, 1984), the mission of the Office of the Executive Director is to:

*Execute the policies and laws of the Quinault General Council, Business Committee and Executive Committee; administer and supervise Quinault Administration; and, develop policies, regulations, procedures and practices for effective management of Quinault National Affairs.*

The Office of the Executive Director is, in accordance with its mission, the sole office within QUINALT ADMINISTRATION responsible for directing and supervising virtually all the Quinault Administrative Agencies and the substantive matters with which each agency is concerned. The principal official of the Office of Executive Director is the Executive Director who must direct and supervise his own office and all of Quinault Administration. The Executive Director is also the political head of the Quinault Indian Nation in his capacity as Chairman of the Quinault Business Committee. To perform the duties of Chairman and Executive Director of the Quinault Indian Nation the head of the Office of Executive Director has an immediate staff within his office which includes three advisors. While each of the Advisor positions has a specialized field on which the Executive Director can draw, the functions or duties of each advisor cuts across the functions of all administrative units within Quinault Administration. While the Position Description of each Advisor emphasizes an area of specialty the responsibilities and duties of each position involve the formulation of administrative policy, the conduct of research which involves social, organizational and economic affairs of the Quinault Indian Nation, and analysis of internal and external social, economic and technical factors

which affect the management of Quinault programs and projects. It is through the broad activities of OED Advisors that the Executive Director can effectively administer and direct Quinault Administration.

OED Advisors must conduct research, policy formulation, and analysis which involve virtually all of Quinault Administration programs, including all PL 638 Contracts. OED Advisors must initiate their activities toward the fulfillment of all program and 638 Contract deliverables, goals and objectives. To illustrate this point the following is a partial listing of OED Advisor activities/duties in relation to Departmental and Divisional Units:

**FISHERIES AND ENVIRONMENTAL ADVISOR:**

DUTIES	AGENCY AFFECTED
1. Draft fisheries and environmental analysis, reports and assessments as requested by the Executive Director.	Department of Natural Resources: Divisions of Forestry, Fisheries Land, Water and Wildlife; Department of Human Resources: Divisions of Health, and Education; Department of Planning, Office of Reservation Attorney, Department of Community Development; Division of Public Works; the Department of Internal Affairs; and the Department of Administration.
2. Conduct research into fisheries policies and practices, trends and options affecting the fisheries resources and environment of the Quinault Nation.	Office of Reservation Attorney; Department of Natural Resources; Department of Planning and Development; Department of Administration.
3. Prepare fisheries and environmental reports as requested by the Executive Director.	Department of Natural Resources; Department of Community Development; Department of Planning and Development, the Office of Reservation Attorney, and the Department of Human Resources.
4. Advise on the development of fisheries and environmental policies for the Quinault Nation.	Office of Executive Director
5. Evaluate plans, options, regulations and trends in the fisheries and environmental fields.	Departments of Natural Resources, Planning and Development, Community Development, Human Resources and the Office of Reservation Attorney.

(Programs and 638 contracts benefit from the availability of the Fisheries and Environmental Advisor through more efficient decision-making throughout Quinault Administration, the development of coherent fisheries and environmental policies, regulations and procedures and more consistent interdepartmental compatibility in the achievement of goals and objectives as well as deliverables. By integrating research, analysis and policy formulation in the Fisheries and Environmental Advisor Quinault Administration reduces costs and increases efficiency by avoiding the need to create a similar position within each of the Departments.)

**ECONOMIC AND NATURAL RESOURCES ADVISOR:**

DUTIES	AGENCY AFFECTED
1. Draft economic and natural resource analysis, reports and assessments as requested by the Executive Director.	All Departments and Divisions.
2. Conduct research into economic trends and options affecting the economy of the Quinault Nation.	Department of Planning and Development, Department of Natural Resources: Divisions of Fisheries, Forestry, Land, Water and Wildlife; Department of Human Resources: Division of Education; Department of Community Development: Divisions of Public Works, Parks and Recreation; Department of Internal Affairs; Department of Finance and the Department of Administration.
3. Prepare natural resource reports as requested by the Executive Director.	Department of Natural Resources, Department of Planning and Development, Department of Internal Affairs
4. Advise on the development of economic and natural resource policies of the Quinault Nation.	Office of the Executive Director.
5. Evaluate plans, options, regulations and trends in the economic and natural resource fields.	Department of Natural Resources, Department of Human Resources: Division of Education; Department of Internal Affairs, Department of Finance; Office of Reservation Attorney, Quinault Police Department.

(Overall research, analysis and evaluation of Quinault economic and natural resource sectors provides the means for integrated efforts to achieve PL 638 and other program deliverables. No department or division in Quinault Administration has the capability to generate a comprehensive overview of Quinault economic and natural resource sectors except in the Office of Executive Director.)

## PUBLIC RELATIONS ADVISOR:

DUTIES	AGENCY AFFECTED
1. Draft public policy speeches and reports for the Executive Director.	All Departments and Divisions.
2. Evaluate external public perceptions and views of the Quinault Nation as viewed through public media.	Department of Internal Affairs; Departments of Natural Resources, Administration, Finance, Planning and Development, Quinault Police Department, Community Development and Administration.
3. Prepare periodic news releases from the Office of Executive Director.	All Departments and Divisions.
4. Conduct research into public policy matters and prepare occasional background assessments as requested by the Executive Director.	All Departments and Divisions.
5. Advise on the development of Quinault public relations with the media, external public, external organizations, governments and agencies.	Departments of Finance, Community Development, Administration, Human Resources, Planning and Development Natural Resources, Office of Reservation Attorney and the Office of the Executive Director.

(Quinault programs and 638 contracts benefit from consistent and coordinated public understanding of deliverables, goals and objectives. A coherent presentation and explanation of program and contractual intentions improves the ability to achieve. The capacity to integrate public policy analysis, specific contractual initiatives and overall Quinault goals is more efficiently achieved without extensive and costly investment in individual departmental and divisional employment of full-time public communications personnel. While some departments have capabilities for public relations, they are specific to just a few programs. Public access to all administrative units, programs and contractual initiatives is increased through the Public Relations Advisor.)

The functions and duties of the OED Advisors combine specialized focus with broad application. The Advisor positions, therefore, serve as a means to bridge the more narrow functions of Departments to the Office of Executive Director and between Departments. Similarly, Advisors aid Quinault Administration in the coordination and improved efficiency of specific contracts and programs, thus contributing to coherent overall management and administration. Since the Advisor positions cut across virtually all Departments, Divisions, programs and projects no single program source of funds within the existing structure can provide necessary support to maintain the positions.

Since all 638 contracts benefit from the roles performed by the OED Advisors, they should be properly designated as positions covered under the category of

indirect cost. As an extension of the position of Executive Director the positions of Advisor within the Office of Executive Director contribute to the general management of Quinault Administration and the specific management and administration of specific contracts.