

PONCA TRIBE OF NEBRASKA
TRIBAL COUNCIL

RESOLUTION 09-38

WHEREAS: The Ponca Tribe of Nebraska is a federally recognized Indian Tribe (P.L. 101-484) whose business affairs are conducted by the Ponca Tribal Council as defined in the Constitution approved July 22, 1994 by the Acting Deputy Commissioner of Indian Affairs; and

WHEREAS: Pursuant to the Constitution of the Ponca Tribe of Nebraska, the Ponca Tribal Council shall exercise legislative powers to enact and promulgate resolutions and ordinances subject to all expenses restrictions upon such powers contained in constitution; and

WHEREAS: Long-standing Federal Indian policies including the Indian Reorganization Act of 1934 and the Indian Self-Determination Act call for tribal government participation in the development of the Bureau of Indian Affairs (BIA) annual budget; and

WHEREAS: Tribal governments operate the majority of the BIA budget through self-determination contracts and self-governance compacts; and

WHEREAS: The majority of the funds for self-determination contracts and self-governance compacts are provided through the Tribal Priority Allocations (TPA) portion of the BIA budget; and

WHEREAS: Contract Support funds provide dollars to tribal governments to pay for necessary administrative costs including financial management, personnel management, facilities management and federally-required costs such as annual single agency audits; and

WHEREAS: The planning process for the BIA annual budget includes the calculation of fixed costs including Federal Pay Act costs, tribal '638 pay cost adjustments, teacher pay costs for BIA-funded schools and non-pay inflation costs; and

WHEREAS: The TPA portion of the budget has failed to keep pace with tribal population growth and the increasingly complex responsibilities of tribal governments; and

WHEREAS: The failure to fully fund Contract Support costs results in tribes either diverting program dollars to support administrative costs or else tribes using their general fund dollars to subsidize BIA programs and thereby reduces the amounts of tribal general fund dollars that could be used by tribes for economic development; and

WHEREAS: The Bush Administration failed to request tribal pay cost adjustments for programs such as the Johnson O'Malley, the Housing Improvement Program and other programs which were slated for elimination, resulting in tribes absorbing all of the inflation costs for those programs; and

WHEREAS: The Obama Administration allowed the BIA to request a significant increase in its budget for FY 2010, but very little of the dollars were directed to TPA:

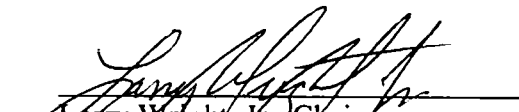
THEREFORE BE IT RESOLVED, that the Ponca Tribe of Nebraska calls upon the BIA/Tribal Budget Advisory Council (TBAC) to propose at the August 2009 TBAC meeting a Tribally-Centered BIA Budget Initiative for FY 2011 which would include three elements: 1) a general increase for all TPA programs of at least ten percent; 2) full funding for Contract Support and 3) full funding for tribal fixed costs;

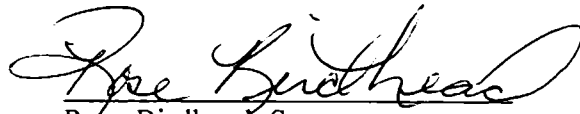
BE IT FURTHER RESOLVED, that the Ponca Tribe of Nebraska calls upon the BIA/Tribal Budget Advisory Council to request that the BIA Central Office provide to the TBAC and directly to tribal governments a detailed FY 2010 comprehensive funding table and a detailed Contract Support cost shortfall report so that full funding for tribal fixed costs and Contract Support for FY 2011 can be accurately determined.

CERTIFICATION

THIS IS TO CERTIFY AND AFFIRM that the above and foregoing Resolution was duly authorized and passed by the Ponca Tribal Council on the 10 day of August, 2009 at a duly called meeting held at Niobrara, Nebraska by a vote of 6 Ayes; 0 Nays; 0 Abstained; 2 Absent. Chairperson _____ voting not voting. A Quorum of 7 was present.

ATTEST


Larry Wright, Jr., Chairman
Ponca Tribe of Nebraska


Rose Birdhead, Secretary
Ponca Tribe of Nebraska