HONORING CHIEF HELENA ASHBY

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today to honor Chief Helena Ashby, a distinguished member of the Los Angeles County Sheriff's Department. Chief Ashby is retiring from the department after nearly 36 years of exemplary service.

On April 29, 1964, Helena Ashby was sworn in as Deputy Sheriff. Thirty-one years and several promotions later, Helena Ashby made departmental history by becoming the first female chief in 1995. Tomorrow she will retire as the highest-ranking female executive in the department.

Chief Ashby is currently head of the department's Detective Division, responsible for all specialized criminal investigation throughout the County of Los Angeles. The division consists of six individual bureaus and is staffed by 759 personnel and has an annual budget of $64 million. The investigations completed by the Detective Division involve homicide, narcotics, vehicle theft, organized crime, arson/explosives, forgery, and computer crimes.

As a Deputy, Sergeant, Lieutenant, Captain, Commander, and Chief, Helena Ashby has been a pioneer for women in law enforcement. She is also a model officer and a leader, an example for everyone in law enforcement. I commend her for her tireless service to the public.

I congratulate Chief Ashby on her distinguished career. Her achievements are many, and the community is grateful for her service. I wish her all the best in retirement. Although she is leaving the force tomorrow, she will leave a lasting impact on the Los Angeles County Sheriff's Department.

TRIBAL CONTRACT SUPPORT COST TECHNICAL AMENDMENTS OF 2000

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing a bill to make technical amendments to the contract support cost provisions of the Indian Self-Determination Act. These amendments are long overdue, and will finally keep faith with the hundreds of tribes and tribal organizations across the country that so ably carry out the Federal Government's health care and social service programs.

One quarter of a century ago Congress firmly launched the Nation into the Indian Self-Determination era by enacting the Indian Self-Determination and Education Assistance Act of 1975. One goal of the Act was to break the cycle of paternalism and despair in our Native American communities. A second goal of the Act was to foster self-reliance and independence. And a third goal was to begin dismantling part of our highly inefficient and distant Federal bureaucracy, by turning over the daily operation of Native American programs from the Federal Government to the tribes and tribal organizations themselves.

Twenty-five years later the Indian Self-Determination Act experiment has proven to be a resounding success. All across the country American Indian and Alaska Native tribes and tribal organizations are administering contracts to operate the Federal Government's hospitals, clinics, law enforcement programs, social welfare programs, education programs and a raft of other initiatives serving some of the neediest people in our Nation. And they are doing this with greater efficiency and more services than we here in Washington could ever do it.

In my great State of Alaska, the Alaska Native people have been at the forefront of this effort, leading the country's Native American communities in the administration of Bureau of Indian Affairs and Indian Health Service programs. Over one-quarter of all IHS programs currently under Native American operation are operated by Alaska Native tribal organizations, who administer over $200 million annually in desperately needed health care programs serving remote villages, many in the midst of Third-World conditions. Likewise, Alaska Native tribal organizations operate the entire BIA system on their own. No other area of the country is as advanced in these respects.

Despite its successes, the policy of self-determination has been consistently plagued by problems, with the most severe being the failure of the IHS and the BIA to fully pay contract support costs associated with carrying out these Federal Government programs under duly-executed contracts. This failure has amounted to a cruel hoax on the Native American people being served under these contracts.

Let me explain.

Mr. Speaker, the programs that have been turned over to Alaska Native and American Indian operation have from the beginning been severely underfunded. A recent study by the Indian Health Service shows that IHS programs, which are currently funded at roughly $2 billion, are still $13 billion short of meeting the health care needs of Indian and Alaska Native people. BIA funding is not much better. The tribal contractors therefore know that when they enter into a contract to operate a federal program locally, they will only be receiving a meager amount to meet the overwhelming needs of their communities. But what has made the situation much worse for these courageous tribal contractors, is that the agencies have forced the contractors to absorb the administrative costs of operating the Federal Government's own programs. The net effect is that there is even less available in these woefully underfunded programs to meet local needs.

Mr. Speaker, this should not be. In any other area where the Federal Government negotiates contracts with the private sector, the Federal Government fully pays the contractor's audited general and administrative overhead costs. Indeed if the government fails to pay, it can be held liable in a court of law. But somehow when it comes to Native American contractors, the Government thinks it's alright to change the rules, to break the contract, and to deny any liability regardless of the impact on the local people being served. Tribal contractors are made to be second-class contractors. Mr. Speaker, this is not right, and the bill I introduce today will put an end to this practice.

In addition, the bill will overcome a number of the more technical problems that have plagued this system. Just one example will make this clear.

Most Native American contractors administering IHS and BIA programs run a wide range of other federal programs too. For most tribes, the Interior Department's Office of Inspector General determines a reasonable and necessary administrative overhead rate required to carry out all these programs, using strict guidelines issued by the Office of Management and Budget. Under the controlling OMB circulars, each federal agency entering into contracts or grants with that tribal contractor is then required to abide by the government-wide indirect cost rate set by the OIG.

This system would be fair to the Federal Government, fair to all of the funding agencies, and most importantly fair to the tribal contractors themselves, if everybody played by the OMB Circular rules. But many federal agencies do not. They either ignore the government-wide rate that has been determined by the Inspector General, or they recognize only a fraction of the rate. Once again, the Native American contractors are left holding the bag. In 1998, a ten-year-old class action lawsuit against the Federal Government was eventually settled for over $70 million over this failure alone. The bill I introduce today assures that no such liabilities will ever recur in the future.

Further, this bill will clarify the rules governing the expenditure of contract funds; initiate a new measure to maximize efficiency in tribal program operations, improve Federal administration of the Act; clarify the rules governing the computation of contract support costs; provide the Federal agencies more time to plan for the transfer of Federal programs to tribal operation; and strengthen the Act's enforcement measures.

Mr. Speaker, in recent years I and many of my colleagues have worked very hard to correct the inequities in the contract support cost system. We have done this because that system is integral to the success of our country's overall Indian Self-Determination Policy. I believe firmly in reducing the size of the Federal bureaucracy. I believe firmly in maximizing local control. I believe firmly in the sanctity of our Government's private contracts with Indian and Alaska Native contractors. And I believe firmly that the Nation's Indian Self-Determination Policy must be corrected so that there is no longer an unfunded mandate that is paid for out of the very same trust programs that serve the neediest of the needs of our First Americans. I therefore urge that my colleagues on both sides of the aisle join me in seeing that this important legislation is enacted as swiftly as possible.

FLOOR STATEMENT FOR TRIBAL CONTRACT SUPPORT COSTS TECHNICAL AMENDMENTS OF 2000

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2000

Mr. HAYWORTH. Mr. Speaker, today my colleague Congressman DON YOUNG, Chairman of the Resources Committee, is introducing the ''Tribal Contract Support Costs Technical Amendments of 2000.'' I am proud