

Cook Inlet Tribal Council, Inc. v., Dotomain Decision and Contract Support Costs

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Dear Tribal Leader Letter

Address the misperception that the *Cook Inlet Tribal Council, Inc. v. Dotomain* court decision (in August 2021) has resulted in the IHS “defunding” contract support costs (CSC) for Tribal contractors.

https://www.ihs.gov/sites/newsroom/themes/responsive2017/display_objects/documents/2022_Letters/DTLL_02172022.pdf

- The *Cook Inlet* decision affirmed the government’s longstanding view and implementation of the ISDEAA as it relates to Contract Support Costs, and found that the statutory language clearly supports that view.
- The IHS has not changed its view of the Contract Supports Costs statute as a result of the *Cook Inlet* decision, and the IHS has not “defunded” any Tribal Health Programs as a result of that decision.
- The ISDEAA is clear that CSC are not available to expand the scope of a program beyond what the federal government would have implemented itself, or to duplicate activities that are already funded in an IDSEAA agreement
- The IHS and Tribal contractors have completed hundreds of successful CSC negotiations since the *Cook Inlet* decision
- The IHS will continue to review each Tribal contractor’s CSC proposal to ensure the proposed costs meet the statutory definition and terms agreed to during ISDEAA agreement negotiation.

THANK YOU

