

106TH CONGRESS
2D SESSION

H. R. 4148

AN ACT

To make technical amendments to the provisions of the Indian Self-Determination and Education Assistance Act relating to contract support costs, and for other purposes.

106TH CONGRESS
2D SESSION

H. R. 4148

AN ACT

To make technical amendments to the provisions of the Indian Self-Determination and Education Assistance Act relating to contract support costs, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Tribal Contract Sup-
3 port Cost Technical Amendments of 2000”.

4 **SEC. 2. AMENDMENT DETAILING CALCULATION AND PAY-**
5 **MENT OF CONTRACT SUPPORT COSTS.**

6 The Indian Self-Determination and Education Assist-
7 ance Act (25 U.S.C. 450 et seq.) is amended by adding
8 after section 106 the following new section:

9 **“SEC. 106A. CONTRACT SUPPORT COSTS.**

10 “(a) OTHER FEDERAL AGENCIES.—Except as other-
11 wise provided by statute, an Indian tribe or tribal organi-
12 zation administering a contract or compact under this Act
13 shall be entitled to recover its full indirect costs associated
14 with any other Federal funding received by such tribe or
15 tribal organization (other than funds paid under this Act),
16 consistent with the tribe’s or tribal organization’s indirect
17 cost rate agreement with its cognizant Federal agency.
18 This subsection shall not independently entitle such tribe
19 or tribal organization to be paid additional amounts asso-
20 ciated with such other Federal funding.

21 “(b) ALLOWABLE USES OF FUNDS.—Notwith-
22 standing any other provision of law (including regulation
23 or circular), an Indian tribe or tribal organization (1) ad-
24 ministering a contract or compact under this Act, and (2)
25 employing an indirect cost pool that includes both funds
26 paid under this Act and other Federal funds, shall be enti-

1 tled to use or expend all Federal funds in such tribe's or
2 tribal organization's indirect cost pool in the same manner
3 as permitted in section 106(j) (relating to allowable uses
4 of funds without approval of the Secretary), and for such
5 purposes only the term 'Secretary' means the Secretary
6 of any Federal agency providing funds to such tribe or
7 tribal organization.

8 “(c) NEGOTIATION OF CONTRACT SUPPORT COST
9 AMOUNTS.—Within the Indian Health Service of the De-
10 partment of Health and Human Services, tribal contract
11 support cost entitlements shall be the responsibility of the
12 Office of Tribal Programs, subject to the tribe's or tribal
13 organization's indirect cost rate agreement with the tribe's
14 or tribal organization's cognizant Federal agency.

15 “(d) DIRECT CONTRACT SUPPORT COSTS AND FED-
16 ERAL EMPLOYEES.—The contract support costs that are
17 eligible costs for the purposes of receiving funding under
18 this Act shall include direct contract support costs associ-
19 ated with all Federal employees employed in connection
20 with the program, service, function, or activity that is the
21 subject of the contract, including all Federal employees
22 paid with funds generated from third-party collections.”.

1 **SEC. 3. AMENDMENTS CLARIFYING CONTRACT SUPPORT**
 2 **COST ENTITLEMENT.**

3 Section 106(a)(5) of the Indian Self-Determination
 4 and Education Assistance Act (25 U.S.C. 450j1(a)(5)) is
 5 amended by adding at the end thereof the following flush
 6 sentence:

7 “Notwithstanding any other provision of law, the Sec-
 8 retary shall fully pay preaward and startup costs without
 9 regard to the year in which such costs were incurred or
 10 will be incurred, including such costs payable to tribes and
 11 tribal organizations identified by the Indian Health Serv-
 12 ice as ‘ISD Queue Tribes’ in its September 17, 1999, re-
 13 port entitled ‘FY 1999 IHS CSC Shortfall Data’.”.

14 **SEC. 4. AMENDMENTS REGARDING JUDICIAL REMEDIES.**

15 Section 110(c) of the Indian Self-Determination and
 16 Education Assistance Act (25 U.S.C. 450m–1(c)) is
 17 amended by inserting after “administrative appeals” the
 18 following: “, and section 2412(d)(2)(A) of title 28, United
 19 States Code, shall apply to appeals filed with administra-
 20 tive appeals boards, in appeals”.

Passed the House of Representatives October 18,
 2000.

Attest:

Clerk.