



NOV 02 2020

Dear Tribal Leader:

I am writing to initiate the first of a series of Tribal Consultations, in conjunction with updates to Indian Health Service (IHS) contracting policy and procedures associated with implementing the Buy Indian Act of 1910 (Buy Indian Act) at 25 U.S.C. § 47. The IHS is also seeking your input on current challenges that Indian-owned and Indian-controlled businesses encounter when pursuing IHS commercial contract awards and strategic approaches to maximize contracting under this authority.

The IHS has initiated rulemaking that responds to longstanding recommendations from Tribes and Tribal Organizations for the Agency to enforce Buy Indian Act authority when carrying out Federal procurement activities. This proposed rule will also allow us to address recommendations for improvement detailed in a report by the United States Government Accountability Office (GAO) entitled, “Buy Indian Act, Bureau of Indian Affairs and Indian Health Service Need Greater Insight into Implementation at Regional Offices” (GAO-15-588), located online at <https://www.gao.gov/assets/680/671291.pdf>.

Rulemaking by the Department of Health and Human Services (HHS) and the IHS is required to codify policies related to the priority for use of the Buy Indian Act. Once the proposed rule is finalized, it will supplement the Federal Acquisition Regulations and the HHS Acquisition Regulations (48 CFR parts 326 and 352) to ensure that preference is given to Indian labor and industry when determining set-asides for IHS solicitations under the authority of the Buy Indian Act.

We have scheduled the first Tribal Consultations in the series as tele-conferences, which we will be hosting on **November 9** and **November 16, at 3:00 p.m. – 4:30 p.m. (EST)**.

While all feedback is welcome, to focus our discussion during these Consultations, we are seeking your comments and recommendations on the following:

- Direct effects Tribes and Tribal Organizations face when seeking Buy Indian contracts;
- Recommendations from Tribes and Tribal Organizations on strategies to educate Tribal members about the Buy Indian Act to foster economic growth and sustainability in Indian Country;
- Input and guidance on safeguards needed to reinforce procedures or strategies to prevent ineligible entities that may falsely represent themselves as Indian-owned or Indian-controlled businesses from wrongfully obtaining contract awards under the Buy Indian Act; and
- Strategic approaches to maximize contracting under this authority.

Please make plans to join us on the Tribal Consultation Tele-Conferences, which follow.

Buy Indian Act Tele-Conference Information

DATE:	Monday, November 9, 2020
TIME:	3:00 p.m. – 4:30 p.m. (EST)
CALL-IN INFORMATION:	(888) 391-3141 PARTICIPANT CODE: 8680097

DATE:	Monday, November 16, 2020
TIME:	3:00 p.m. – 4:30 p.m. (EST)
CALL-IN INFORMATION:	(888) 391-3141 PARTICIPANT CODE: 8680097

I would also encourage you to submit written comments on the Buy Indian Act Tribal Consultations to consultation@ihs.gov – SUBJECT LINE: Buy Indian Act Consultation.

The deadline for written comments on these Tribal Consultations is **Friday, November 20, 2020**.

Once the Buy Indian Act Notice of Proposed Rulemaking (NPRM) is published in the *Federal Register*, the IHS will provide additional details with regards to commenting procedures and related information.

Comments on the proposed rule must be submitted in writing to the *Federal Register* and the detailed commenting process will be delineated at the Consultations scheduled above.

If you have any questions regarding the Buy Indian Act Tribal Consultation, please directly contact Mr. Santiago Almaraz, Acting Director, Office of Management Services, IHS, by e-mail at santiago.almaraz@ihs.gov.

I look forward to your feedback and recommendations.

Sincerely,

/Michael D. Weahkee/

RADM Michael D. Weahkee, MBA, MHSA
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Director