



JAN 19 2021

Dear Tribal Leader:

I am writing in follow-up to my December 17, 2020, letter to provide an update on the Indian Health Service (IHS) and the Department of Health and Human Services (HHS) proposed regulatory activities regarding implementation of the Buy Indian Act of 1910 (Buy Indian Act, 25 U.S.C. § 47) which would update the regulations for IHS contracting policy and procedures.

In November 2020, the IHS, an agency within HHS, proposed 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 (85 FR 71596, published on November 10, 2020, comment period ending January 11, 2021). This proposed rule will allow the IHS 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 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.

In an effort to support recent requests from the public and Tribes to extend the comment period, which has since closed, the IHS will move forward to reopen the comment period for an additional 60 days. A notification will be published in the *Federal Register*.

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,

/RADM Michael D. Weahkee, MBA, MHSA/
Assistant Surgeon General, U.S. Public Health Service
Director