



July 1, 2024

Dear Portland Area Tribal Leader and Urban Indian Organization Leader:

I am writing to initiate Tribal Consultation and Urban Confer to seek your guidance and recommendations on actions the Indian Health Service (IHS) should take related to the Portland Area Regional Specialty Referral Center Network – Northwest Region Demonstration Project.

For approximately 20 years, the Portland Area Facilities Advisory Committee (PAFAC), Northwest Portland Area Indian Health Board (NPAIHB), and multiple Portland Area Tribes have advocated for IHS to implement a regional specialty referral center demonstration project. The demonstration project will accomplish the first of three planned regional specialty care facilities in the Portland Area. The project's purpose is to show the benefits of regionalized specialty care and establish planning criteria for future facilities. The PAFAC evaluated several options and recommended the demonstration project proceed in Fife, WA, on the property made available under a no-cost lease by the Puyallup Tribe of Indians.

In June 2022, the Acting IHS Director announced to Portland Area Tribes that IHS would proceed with the first of the three planned facilities leveraging demonstration project authority provided through the Indian Health Care Improvement Act and \$164.7M from the United States Department of Health and Human Services (HHS) Nonrecurring Expenses Fund (NEF). Since then, IHS has worked consultatively with the PAFAC and NPAIHB to update the project's planning documents and complete preliminary engineering activities. The project is now ready to proceed with design.

The recently enacted Further Consolidated Appropriations Act, 2024 (H.R. 2882) rescinds \$1.25B from the HHS NEF account by September 30, 2024. Funds not obligated to a contract before the deadline will likely be lost to this rescission. Due to required contracting timelines for large projects, it is not possible for IHS to obligate the funds to a federal contract by the deadline. Continued pursuit of a federal contract project would likely cause the project to be canceled until a new source of funds is identified. However, it remains possible to obligate the funds to a Public Law 93-638 Construction Contract with a qualified tribe or tribal organization. This option could secure the funds and allow the project to proceed as planned.

On June 6, 2024, I issued a Notice of Funding Availability (NOFA) to Portland Area Tribal Leaders. The notice described the current funding situation and requested that any Portland Area Tribe or Tribal Organization interested in pursuing a 638 contract submit a letter of intent to contract within 14 days of receipt. IHS received one response from the Puyallup Tribe of Indians, who proposed to contract the design and construction of this project.

The P.L. 93-638 contract regulations state a tribe's proposal must include current (unrevoked) authorizing resolutions from all Indian tribes benefitting from the contract proposal. IHS will implement this project to provide broad benefits to all Portland Area Tribes. Access to specialty care will be bolstered through the aggressive use of telehealth. Based on this broad benefit, IHS

interprets the regulations to require the Puyallup Tribe's proposal to include authorizing resolutions from all 43 Portland Area Tribes. **In order to successfully execute a contract before the end of the fiscal year, authorizing resolutions are required from all Portland Area Tribes as soon as possible.**

It is important to note the Puyallup Tribe's proposal is limited to facility design and construction. The completed facility will be owned and operated by IHS until a tribe or tribal organization similarly supported by Portland Area Tribes assumes operation under a separate 638 agreement.

Please send your written comments and recommendations on actions IHS should take related to the Portland Area Regional Specialty Referral Center Network – Northwest Region Demonstration Project by the comment deadline of July 12, 2024.

Please **email** your comments and recommendations to Waleeska.Knifechief@ihs.gov ,
SUBJECT LINE: Portland Area Regional Specialty Referral Center Demonstration Project

Or, you may send your comments by **U.S. Postal Mail** to the address that follows:

RDML Marcus Martinez, P.E.
Director, Portland Area Indian Health
Service 1414 NW Northrup Street, Suite 800
Portland, OR 97209

The Portland Area IHS is committed to meaningful Consultation with tribes and tribal organizations as we work to increase access to specialty care. I look forward to your comments and recommendations. If you have any questions related to this project, please contact CDR Christopher Vaught at Christopher.Vaught@ihs.gov.

Sincerely,

RDML Marcus Martinez
Director, Portland Area Indian Health Service