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SENT VIA TELEFAX: (301) 443-4794

March 30, 2012

Yvette Roubideaux, M.D., M.P.H.
Director
Indian Health Service
801 Thompson Avenue, Suite 440
Rockville, MD 20852

Dear Dr. Roubideaux:

We are responding to your March 2, 2012 Dear Tribal Leader Letter, in which you requested input on the confidentiality of Contract Support Cost (CSC) data and if there were any concerns about sharing individual Tribal data with other Tribes, Tribal employees and technical staff.

NPAIHB has a long history of representing CSC issues on behalf of Portland Area Tribes and is an Indian Self-Determination and Education Assistance Act (P.L. 93-637, or ISDEAA) contractor with the Indian Health Service (IHS). Thus, our role as an advocate on CSC issues for our Tribes and as an ISDEAA contractor provides the basis for our recommendation to your request.

The development of the Indian Health Service (IHS) CSC Policy has evolved over many years in the course of implementing the Indian self-determination program. The requirements contained in the CSC Policy are the product of a long history of consultation meetings on CSC issues with the IHS, past Administrations and Tribal leaders. The CSC Policy represents a consensus policy developed between the IHS and Tribal leaders. Any consideration for changing the CSC Policy should acknowledge this history and understand the basis for why some of the requirements are included in the Policy.

In the development of the Policy, Tribal leaders and CSC Workgroup members acknowledged that in order for CSC allocations to be fair and equitable, there would need to be a requirement to make data available. This process of transparency allows CSC allocations to be monitored by Tribes to ensure they are all being treated fairly and equally with regard to CSC funding. The availability of data also allows CSC need to be estimated so that Tribes can advocate for funds with the IHS and Congress, in order for tribal contractors to effectively manage health programs under the ISDEAA. Thus, our Tribes have never been opposed to having their data made public as they work to develop the CSC Policy with IHS. In discussions with our Tribes during the February 13-14, 2012 meeting of the Affiliated Tribes of Northwest Indians (ATNI), our Tribes indicated that their position is unchanged. NPAIHB, too, is not opposed to having its data shared with other Tribes and Tribal organizations.

We would also point out that all CSC data is available through indirect cost rate (IDC) proposals with the National Business Center (or other cognizant federal agency

responsible for negotiating IDC rates), annual funding agreements, Single Audit Act requirements, and eventually congressional reports. This is public information and is also available under routine Freedom of Information Act (FOIA) requests. IHS Policy requires the dissemination of this information so that Tribes have a means of estimating CSC funding in order to properly manage their Indian Self-Determination Act agreements.

In closing, the NPAIHB and its 43 member Tribes agree that Tribal CSC data is public information and recommend that CSC information be shared with Tribes for the purpose of monitoring CSC payments and for estimating CSC shortfall. This recommendation is consistent with the IHS-CSC Policy.

If you should have any questions concerning our recommendation, please contact Jim Roberts, Policy Analyst, at (503) 228-4185 or by email jroberts@npaihb.org.

Sincerely yours,

A handwritten signature in black ink that reads "Andrew C. Joseph, Jr." in a cursive style.

Andrew Joseph, Jr., NPAIHB Chair
Colville Tribal Council Member
Portland Area Representative, CSC Workgroup

cc: Portland Area Tribal Chairs
Portland Area Tribal Chairs
Board Delegates
Fawn Sharp, President Quinault Nation, IHS-CSC Workgroup Member