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GENERAL MEMORANDUM 22-011

IHS Seeks Applications for Negotiation Cooperative Agreements and Planning Cooperative Agreements

On July 13, 2022, the Indian Health Service (IHS) published two notices in the FEDERAL REGISTER seeking applications for [Negotiation Cooperative Agreements](#) and [Planning Cooperative Agreements](#), both under the Tribal Self-Governance Program. *The deadline to apply for both funding opportunities is August 31, 2022.* Tribes, tribal organizations, and inter-tribal consortia are invited to apply.

Background. There are multiple ways, either individually or in conjunction with each other, that Tribes can obtain health care services through the IHS. One of these options is to enter a self-governance compact with the IHS under Title V of the Indian Self-Determination and Education Assistance Act (ISDEAA) to assume control over health care programs the IHS would otherwise provide. The Tribal Self-Governance Program (Program), administered by the Office of Tribal Self-Governance within the IHS, facilitates these compacts. Each compact and associated funding agreement requires an extensive negotiation process, which consists of four stages: (1) planning, consisting of legal and budgetary research and internal tribal government preparation to administer health care services; (2) pre-negotiations, consisting of federal-tribal discussions of issues identified during the planning stage; (3) negotiations, consisting of a collaborative determination of the terms and provisions of the compact and funding agreement; and (4) post-negotiations, consisting of both parties signing the compact and funding agreement, which then become legally binding and mutually enforceable. This negotiation process will also take place if a Tribe wishes to modify or expand the terms of its existing compact or funding agreement.

Negotiation Cooperative Agreements. The Negotiation Cooperative Agreement is a funding opportunity to help defray the costs associated with preparing for and engaging in negotiations with the Program. The negotiation process determines the terms and provisions of the Tribe's self-governance compact and funding agreement, which are both necessary documents for the Tribe to participate in the Program. A Negotiation Cooperative Agreement is not necessary for Program participation; it is simply intended to mitigate the substantial resources necessary to engage in the required negotiations.

The IHS estimates that it will issue five awards of \$84,000 under this program posting, with total funding identified as approximately \$420,000. The period of performance is one year, with no cost-sharing or match requirements. Applications that are approved, but not funded due

to lack of available funds will be held for one year and reconsidered if more funding becomes available.

To be eligible, the applicant must be either a Tribe, tribal organization, or inter-tribal consortium as defined by ISDEAA and its corresponding regulations, demonstrate financial stability and financial management capability for three fiscal years, and present a tribal resolution or equivalent governing action requesting program participation. If the application requests an award that will affect multiple Tribes, it must include resolutions from each tribal governing body. If the applicant is unable to obtain a signed tribal resolution before the application deadline, a draft resolution may be considered until a signed resolution is available.

The application, along with more information on eligibility and the required application materials, is available [here](#).

Planning Cooperative Agreements. The Planning Cooperative Agreement is a funding opportunity to help defray the costs associated with the planning stages of the negotiation process. Like Negotiation Cooperative Agreements, they are not necessary for Program participation.

The IHS estimates that it will issue five awards of \$180,000 under this program posting, with total funding identified at approximately \$900,000. The period of performance is one year, with no cost-sharing or match requirements. Applications that are approved but not funded due to lack of available funds will be held for one year and reconsidered if more funding becomes available.

The eligibility requirements are largely the same as Negotiation Cooperative Agreements, although Tribes that have already completed the planning stages of their negotiation are ineligible for this award.

The application, along with more information on eligibility and the required application materials, is available [here](#).

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