



2023 IHS PARTNERSHIP CONFERENCE

Tribal Self-Governance Program



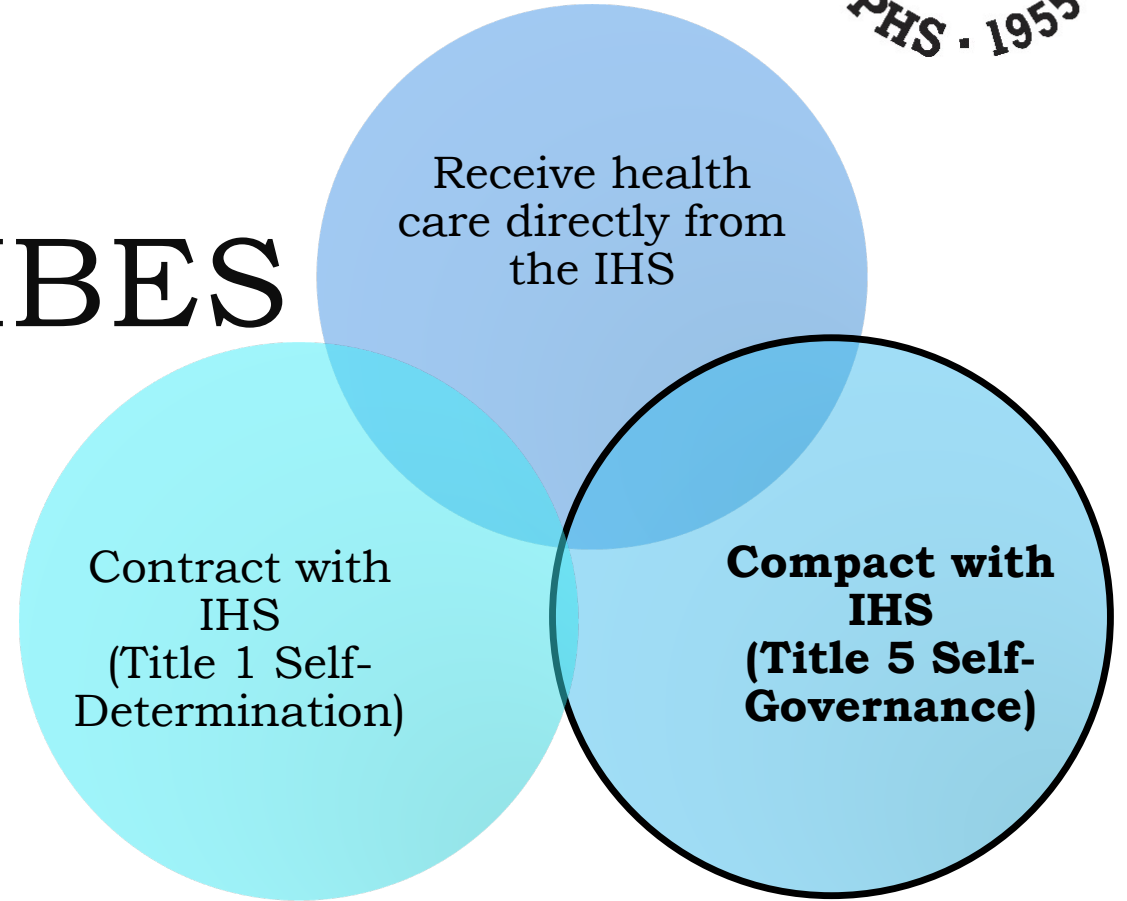
WELCOME & OVERVIEW OF PRESENTATION

Christopher Manydeeds
Program Analyst
Office of Tribal Self-Governance



OPTIONS FOR TRIBES

Use the authority of the Indian Self-Determination and Education Assistance Act (ISDEAA) and either contract or compact for programs, services, functions, or activities (PSFAs), or portion thereof that IHS would otherwise provide





BENEFITS OF TITLE V COMPACTING



Nation to Nation Relationship: Strong Federal-Tribal partnerships have been critical to the continued success of Title V and the TSGP.

Addressing Tribal Communities Needs: Participation in the Self-Governance/Title V compacting affords Tribes the most flexibility to set its own health care priorities and tailor health care services to the needs of their communities when assuming IHS PSFAs.

Redesign and Funding Reallocation: A Tribe or Tribal Organization may redesign or consolidate PSFAs and reallocate or redirect funding without IHS approval in accordance with the ISDEAA.

General Oversight: Mandatory reporting is the Annual signal agency audit as required by the Single Audit Act, and no routine monitoring is required.



IHS TRIBAL SELF-GOVERNANCE PROGRAM SNAPSHOT



4 New
Self-Governance
Tribes

112 Compacts
139 Funding Agreements
(FY 87 & CY 52)

FY 2023

+\$2.69 Billion
Transferred

+ 380 Federally
recognized Tribes
participate in IHS TSGP



AGENDA

1. History of Tribal Self-Governance Program and Overview of Office of Tribal Self-Governance
2. Eligibility Requirements for IHS Tribal Self-Governance Program
3. Overview of IHS Self-Governance Planning and Negotiation Cooperative Agreements
4. Title V Negotiation Process
5. You're in Self-Governance – Now What?
6. Question and Answer session



HISTORY OF TRIBAL SELF-GOVERNANCE PROGRAM AND OVERVIEW OF THE OFFICE OF TRIBAL SELF-GOVERNANCE



HISTORY OF TRIBAL SELF-GOVERNANCE PROGRAM



- 1975 Indian Self-Determination and Education Assistance Act (ISDEAA) (Pub. L. No. 93-638)
- 1988 Initial Self-Governance Demonstration Project in BIA (Title III) (Pub. L. No. 100-472)
- 1991 IHS Funded to Perform Feasibility Study and established the Office of Tribal Self-Governance (Pub. L. No. 102-184)
- 1992 Tribal Self-Governance Demonstration Project extended to IHS (Pub. L. No. 102-573)
- September 30, 1993: First IHS Compacts and Funding Agreements signed

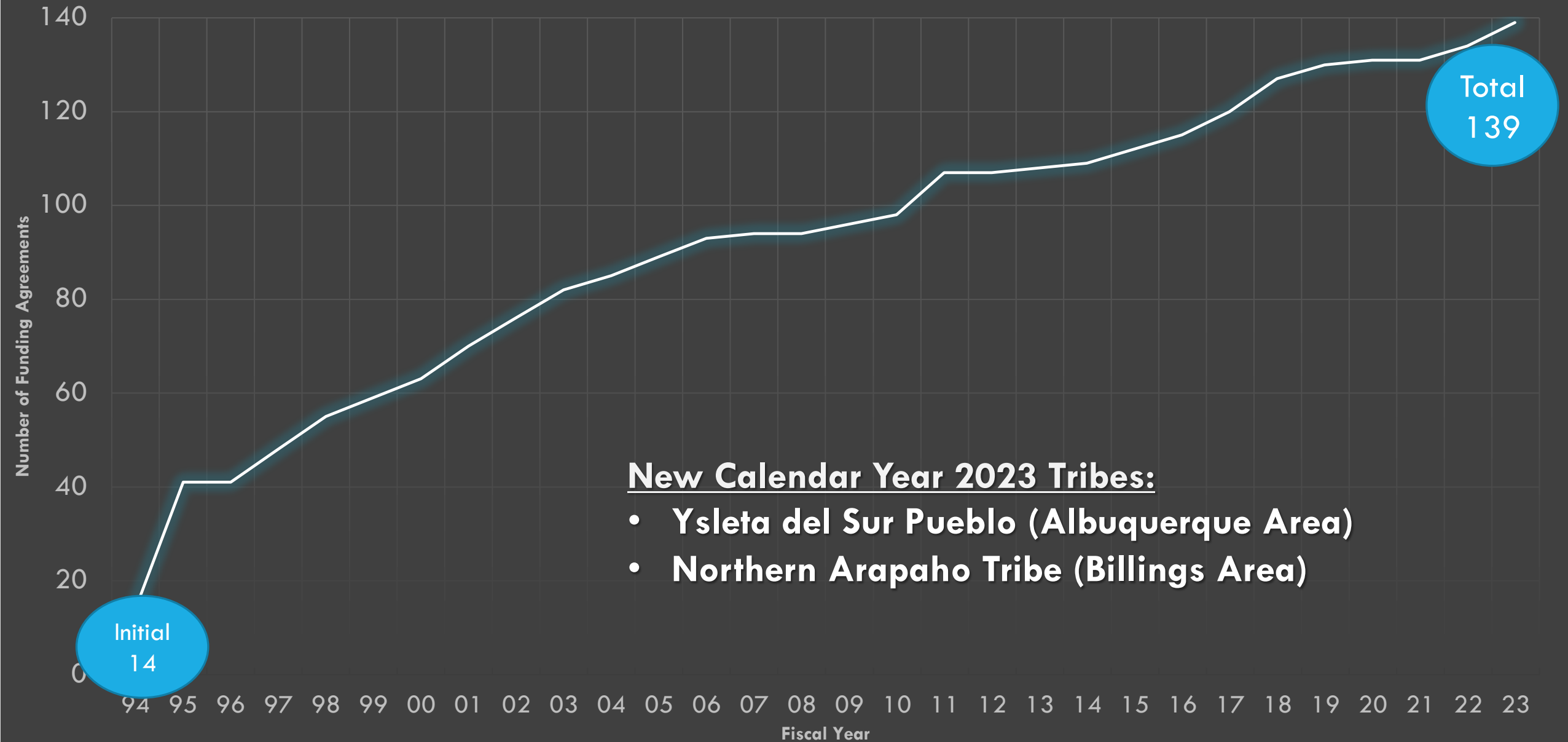


HISTORY OF TRIBAL SELF- GOVERNANCE PROGRAM CONTINUED



- 1994 IHS Tribal Self-Governance Project extended 18 years
(Pub. L. No. 103-435)
- 1996 Tribal Self-Governance Advisory Committee established (TSGAC)
- 2000 IHS Tribal Self-Governance Program made permanent program (Title V) (Pub. L. No. 106-260)
- 2002: Title V Regulations published (42 CFR Part 137)

Number of New IHS Self Governance Funding Agreements by Year from Fiscal Year 1994 to Present





IHS Office of Tribal Self-Governance Staff Members



Jennifer Cooper
Director



Carla Mayo
Deputy Director



Chris Manydeeds
Program Analyst



Roxanne Houston
Program Analyst



Aaron Lane
Program Analyst



Anna Johnson
Program Analyst



Jeremy Marshall
Policy Analyst



Tamera Clay
Policy Analyst



Steven Plumer
Financial Analyst



Wileen Yazzie
Financial Analyst



Ashley Parkinson
Staff Assistant



Seneca Hodahkwen
Financial Analyst



Anastasia Watson
Financial Analyst





OTSG KEY ACTIVITIES



- Review Eligibility Requirements to participate in title V negotiations
- Participate in Nation-to-Nation negotiations
- Provide resources and technical assistance
- Coordinate Tribal Delegation Meetings (TDM) with Self-Governance tribes



OTSG KEY ACTIVITIES (CONTINUED)

- Develop and Recommend Policies, Administrative Procedures, and Guidelines for the IHS TSGP
- Collaborate with Tribal and Federal partners on coordinating on national trainings, and annual tribal self-governance conference and on addressing crossing cutting issues and processes.
- Promote and support the IHS Tribal Self-Governance Advisory Committee activities



ABOUT THE OFFICE OF TRIBAL SELF-GOVERNANCE STAFF



- Staff Support
- Policy Analyst
- Program Analyst
- Financial Analyst



STAFF SUPPORT



- First point of contact
- Assists with various programs
- Processing payments
- Logging, tracking, sending and receiving documents.
 - Compacts and Funding Agreements
 - Incoming Mail



POLICY ANALYSTS



- National Issues
- Conducts Research and Analysis
- Reviews Health and Human Services Agency Policy and Regulations
- Responds to Congressional Inquiries



PROGRAM ANALYSTS



- Self-Governance Negotiation Process
- Prepares Briefing Materials
- Processes Compacts and Funding Agreements
- Support and Technical Assistance



OTSG PROGRAM & POLICY ANALYSTS BY AREA



CHRIS MANYDEEDS Program Analyst	ANNA JOHNSON Program Analyst	TAMMY CLAY Policy Analyst	ROXANNE HOUSTON Program Analyst	AARON LANE Program Analyst	JEREMY MARSHALL Policy Analyst
Bemidji	Alaska	Oklahoma	Albuquerque	California	Portland
Billings			Nashville	Great Plains	
Phoenix			Navajo	Tucson	



FINANCIAL ANALYSTS



- **Processes Payments**
- **Processing Payments based on Amendments**
- **Conducts Audit Review**
- **OTSG Budget Activities**



OTSG FINANCIAL ANALYSTS BY AREA

STEVE PLUMER	WILEEN YAZZIE	SENECA HODAHKWEN	ANASTASIA WATSON	ALASKA AREA STAFF
California	Bemidji	Billings	Albuquerque	Alaska
Portland	Great Plains	Nashville	Oklahoma	
	Navajo	Phoenix		
		Tucson		



ONLINE RESOURCES

For further information about the IHS Tribal Self-Governance Program, please visit these websites:

IHS Office of Tribal Self-Governance

<http://www.ihs.gov/SelfGovernance/>

Self-Governance Communication & Education

<http://www.tribalselfgov.org/>



ELIGIBILITY REQUIREMENTS FOR IHS TRIBAL SELF-GOVERNANCE PROGRAM



THREE (3) ELIGIBILITY CRITERIA

1. Successfully complete a planning phase;
2. Request participation in Self-Governance by Tribal resolution; and
3. Demonstrate three fiscal years of financial stability and financial management capability.



PLANNING PHASE

1. Each Tribe is required to complete a planning phase to the satisfaction of the Tribe.
2. This planning must include legal and budgetary research, internal Tribal government planning, and organizational preparation relating to the administration of health care programs.
3. The planning phase helps Tribes make informed decisions.



PLANNING PHASE, CONTINUED



1. Reviewing what Programs, Services, Functions, and Activities (PSFAs) to assume and what organizational changes or modifications are necessary to successfully support those PSFAs.
2. Reviewing associated funding for program level, area, and headquarter PSFAs.
3. A planning phase improves timeliness and efficiency of negotiations and ensures that the Tribe is fully prepared to assume the transfer of IHS PSFAs to the Tribal health program.



PLANNING PHASE, CONTINUED

1. Reviewing how relationship with IHS could change?
2. Reviewing how oversight and operations of services could change, e.g. Redesign and consolidation of PFSA is allowed under Title V (25 USC § 5386(e)).
3. Resources:
 - Area and HQ PFSA Manual
 - Area Funding Tables
 - HQ Funding Tables
 - ISDEAA
 - IHCIA



REQUEST PARTICIPATION IN SELF-GOVERNANCE



1. Each Tribe to be served must submit a Tribal resolution or other official action by the governing body of the Tribe requesting participation in the TSGP.
2. A Tribe may also choose to authorize another Indian Tribe, an inter-Tribal consortium, or a Tribal Organization to participate in the TSGP on its behalf.



DEMONSTRATE FISCAL STABILITY AND FINANCIAL MANAGEMENT CAPACITY



During the 3 year prior to participation in the TSGP, the Tribe must show evidence that there have been **no uncorrected significant and material audit exceptions** in the required annual audit of the Tribe's Self-Determination Contracts or

Self-Governance Funding Agreements with any Federal agency shall be conclusive evidence of the required stability and capability. 25 USC 5383 (c)(2)



STEPS IN OTSG REVIEW OF FINANCIAL ELIGIBILITY



1. Tribal submits request to OTSG Director requesting a formal or informal review of audit.
2. OTSG Financial Analyst will review 3 prior years of Tribal audits from the Audit Clearinghouse for significant and material weakness
3. OTSG Financial Analyst will submit a Decision Memo to OTSG Director



CRITERIA FOR TRIBAL SELF-GOVERNANCE PROGRAM



1. Planning to the satisfaction of the Tribe.
2. Financial Management proved by 3 years of audits without uncorrected material weaknesses and confirmed by Letter from the OTSG Director.
3. Resolution by the Tribe requesting participation in the Tribal Self-Governance Program.
4. A letter from the Director of OTSG stating the Tribe is eligible to participate in the Tribal Self-Governance Program



PLANNING AND NEGOTIATION COOPERATIVE AGREEMENTS OVERVIEW



OVERVIEW

1. What Are Planning & Negotiation Cooperative Agreements
2. Purpose
3. Application Process
4. Review & Award Process
5. Links to Federal Register & Tribal Self-Governance Program
6. Contact Information



PLANNING COOPERATIVE AGREEMENTS



1. Planning Cooperative Agreement's purpose is to provide resources to Tribes interested in entering the Tribal Self-Governance Program (TSGP) and to existing Self-Governance Tribes interested in assuming new or expanded PSFAs.
2. Title V of the ISDEAA requires a Tribe or Tribal organization to complete a planning phase to the satisfaction of the Tribe. The planning phase must include legal and budgetary research and internal Tribal government planning and organization preparation relating to the administration of health care programs. See 25 U.S.C. 5383(d).
3. The planning phase helps Tribes to make informed decisions about which PSFAs to assume and what organizational changes or modifications are necessary to successfully support those PSFAs.
4. Generally, five awards are available annually for planning cooperative agreements \$120,000 each. Depending on appropriations and budgetary priorities for IHS.



NEGOTIATION COOPERATIVE AGREEMENTS



1. Negotiation Cooperative Agreements provide resources to Tribes to assist in defraying the cost of preparing to negotiate a Compact and Funding Agreement in partnership with the Office of Tribal Self-Governance.
2. The negotiation process has four major stages, including: (1) planning; (2) pre-negotiations; (3) negotiations; and (4) post-negotiations
3. The planning phase is critical to the negotiation process and assists Tribes with making informed decisions about which PSFAs to assume and what organizational changes or modifications are necessary to support those PSFAs. A thorough planning phase improves timeliness and efficient **negotiations** and ensures that the Tribe is fully prepared to assume the transfer of IHS PSFAs to the Tribal health program.
4. Generally, there are five Negotiation cooperative agreements provided annually in the amount of \$48,000. Depending on appropriations and budgetary priorities of the IHS.



PLANNING & NEGOTIATION COOPERATIVE AGREEMENTS



1. Both are 1 year projects
2. Both Notice of Funding Opportunities (NOFO's) will be announced in the federal register at the same time with the same application deadline
3. These funding opportunities are provided annually and budgeted for by the Office of Tribal Self-Governance depending on appropriations and budgetary priorities of the IHS.
4. Both Cooperative Agreements are managed by the OTSG & the Department of Grants Management
5. Both are available resources, **not** a requirement to participate in the TSGP



PLANNING & NEGOTIATION CONTINUED

Applications are submitted through [grants.gov](https://www.grants.gov)

DGM screens applications and forwards **complete** applications to the OTSG

Applications are screened by Program Official

Financial Analysts do an audit review of applicant

Applications that meet the eligibility criteria shall be reviewed for merit by the Objective Review Committee (ORC) based on evaluation criteria.

All applicants will receive an Executive Summary Statement from the IHS OTSG within 30 days of the conclusion of the ORC outlining the strengths and weaknesses of their application.



NOTICE OF AWARD

The Notice of Award (NoA) is the authorizing document for which funds are dispersed to the approved entities and reflects the amount of Federal funds awarded, the purpose of the award, the terms and conditions of the award, the effective date of the award, the budget period, and period of performance

Awards issued under this announcement are subject to, and are administered in accordance with, the following regulations and policies:

- A. The criteria as outlined in program announcement.
- B. *Administrative Regulations for Grants*



RESOURCES AND INFORMATION

Links to IHS Tribal self-governance

For additional information on the eligibility for the IHS TSGP, please visit the “Eligibility and Funding” page on the OTSG website located at <https://www.ihs.gov/SelfGovernance> .



CONTACT INFORMATION

Roxanne Houston

Program Official

301-443-7821

Roxanne.houston@ihs.gov

Indian Health Service



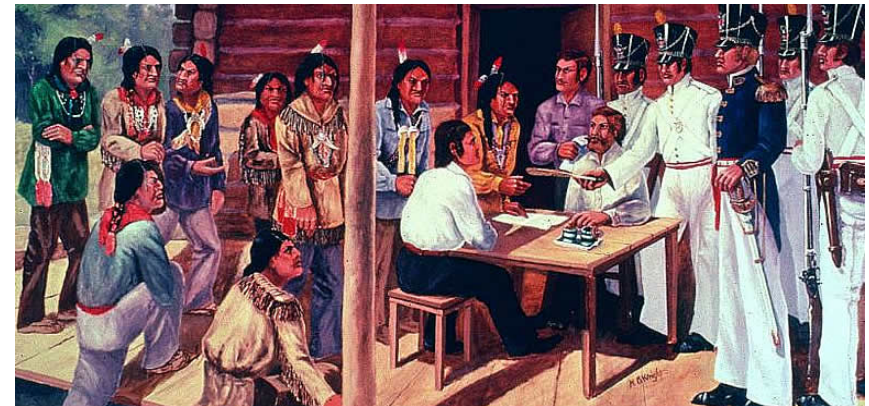
TITLE V NEGOTIATIONS



PRESENTATION WILL ADDRESS



- Common features in ISDEAA Funding Agreements (FAs).
- What is a compact and a funding agreement?
- Who negotiates?
- Negotiation cycle.





COMMON FEATURES OF ISDEAA FA



Tribes and/or Tribal Organizations (TO) can contract for any IHS program, service, function, or activity (PSFA) (or portion thereof) that is not inherently federal or congressionally restricted (earmarked).

The funding associated with these PSFAs include:

1. Funding the Secretary would have otherwise spent, plus
2. “Contract support costs” which are an amount for the reasonable costs for activities which must be carried out to ensure “compliance with the terms of the contract and prudent management.”



COMPACT AND FUNDING AGREEMENT



Both documents are necessary to participate in the IHS Tribal Self-Governance Program

- Compact: Sets forth the general terms of the nation-to-nation relationship between the Tribe and the HHS.
- Funding Agreement: Identifies Programs, Services, Functions or Activities (PSFAs), or portions thereof, that the Tribe will assume and funding associated with those PSFAs.



WHO NEGOTIATES FOR THE GOVERNMENT?



IHS negotiation teams are lead by an **Agency Lead Negotiator** (ALN).

Supported by a Federal negotiation team, including:

- Area staff,
- OTSG program staff (e.g., a financial analyst, program analyst and/or a policy analyst) and
- representation from the Office of the General Counsel (OGC).



WHO NEGOTIATES FOR THE TRIBE/TO?



- Who will be your lead?
Examples: Tribal Chair, member of Tribal Council, Health Director/CEO
- Who might be on your negotiation team?
Examples: In-house or outside legal counsel, finance, program directors, consultants, others?



FOUR NEGOTIATION STAGES



1. Planning
2. Pre-Negotiations
3. Final Negotiations
4. Post-Negotiations



1. PLANNING



- Gathering information on available PSFAs and associated funding.
- Review and develop plans to enhance the healthcare delivery system to better meet the needs of community.
- Also includes: legal and budgetary research, training and educating staff, Tribal council, and Board of Directors.
 - Learning IHS terminology.



2. PRE-NEGOTIATION



Pre-negotiations:

- In-person, by phone, video conference, and/or email.
- Prior to final negotiations, both negotiation teams meet to discuss any questions or concerns, regarding for example:
 - Issues identified from planning;
 - Documents (draft compact and FA);
 - Funding tables prior to final negotiation
- Drafting and editing the Compact and FA.



3. FINAL NEGOTIATION



- Negotiation teams work together to reach agreement on the final documents.
- OTSG recommends in-person negotiations for Tribes new to the program.
- Once agreement on the final documents has been reached, a final copy is signed by the Tribe and provided to the ALN.



4. POST-NEGOTIATION



- The Tribe/TO signs the final documents and returns them to the ALN.
- The ALN Reviews the documents and submits the package to HQ for processing and signature by the IHS Director or designee.
- Once the compact and Funding Agreement are signed by both parties, they become legally binding and enforceable.



RESOURCES FOR TITLE V NEGOTIATIONS



Negotiation Handbook (updated 2022)

https://www.ihs.gov/sites/selfgovernance/themes/responsive2017/display_objects/documents/resources/TSNOVANegotiationHandbook.pdf

Programs, Services, Functions, and Activities Manual (2002) [Programs, Services, Functions and Activities \(PSFA\) Manual \(ihs.gov\)](#)

Office of Tribal Self-Governance, on the IHS.gov website

[Resources | Office of Tribal Self-Governance \(ihs.gov\)](#)

ISDEAA Title V (93-638 Pub. Law)

[USCODE-2010-title25-chap14-subchapII-partE.pdf \(govinfo.gov\)](#)

ISDEAA Title V Regulations (42 CFR

Part 137) [CFR-2011-title42-vol1-part137.pdf \(govinfo.gov\)](#)



WHAT NOW? (AFTER SUCCESSFUL NEGOTIATIONS)



PARTNERSHIP



- Shift from contract management to more autonomy
 - May redesign or consolidate PSFA
 - Reallocate or redirect funding without IHS approval in accordance with the ISDEAA
- Mandatory reporting requirement
 - Annual Single Agency Audit
- Strong interest in national health policy leading to development of best practices



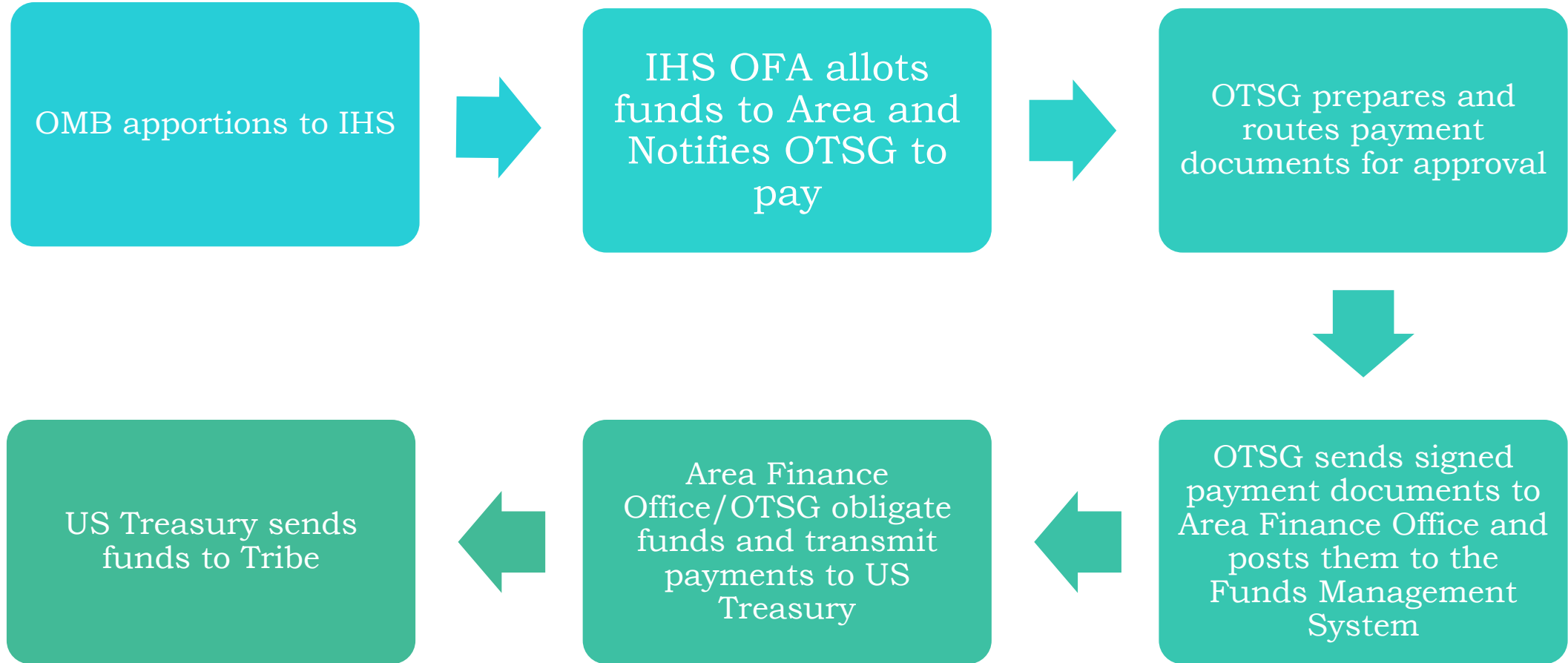
PROCESS: UPDATING OR QUESTIONS REGARDING COMPACT/FUNDING AGREEMENT



- Contact the ALN to review the Funding Agreement, schedule negotiations, etc.
- Timing of renegotiation: Tribal decision
 - ALN will send annual funding tables and/or provide updates
- OTSG is here to help




PAYMENTS: ALLOCATION OF FUNDS






OTSG FUNDS MANAGEMENT SYSTEM





IHS  OTSG OFFICE OF TRIBAL SELF GOVERNANCE
Funds Management


Home Funding Agreements Reports Administration FAQ Login Training


YOU MUST HAVE ACCOUNT WITH OTSGFM WEBSITE
If you would like access, please contact your office manager

 LOGIN

 Funding Agreements

 Reports

 Administration

 Frequently Asked Questions

www.ihs.gov | [Accessibility](#) | [Plug-ins](#) | [Disclaimer](#) | [Privacy Policy](#) | [FOIA](#) | [HIPAA](#) | [No Fear Act](#) | [Contact Us/Help](#)



REPORTS – TRIBAL ACCESS



IHS  OTSG OFFICE OF TRIBAL SELF GOVERNANCE
Funds Management



Funding Agreements

Reports

Administration

FAQ

Your Account

Training

[FA Data Sheet](#) [Budget Justification](#) [View Reports](#)

Reports

[View Reports:](#)

View Reports allows the User to view area(s) and tribe(s) reports according to his level of permission.

[FA Data Sheet:](#)

FA Data Sheet allows the Administrator to view a Self-Governance funding agreement report for all recipients for a selected year.

[Budget Justification:](#)

IHS Budget Justification allows the Administrator to view a Self-Governance funding agreement report (Compacts by State and Compacts by Area) for all recipients for a selected year.



DOCUMENTS



AMENDMENT NUMBER 01
to the FY 2018 Funding Agreement
between the
Tribe A
and the
United States of America
Department of Health and Human Services

The Funding Agreement 65G181234, effective March 9, 2018, between the Tribe A and the United States of America, Department of Health and Human Services, is hereby amended as follows:

SUB SUB ACTIVITY	Previous FA Total	Increase (Decrease)	Amended FA Total
Hospitals & Clinics	\$3,000	\$50,000	\$53,000

EFFECT ON FA AMOUNT/PAYMENTS

Total, FA Amount	\$8,000	\$50,000	\$58,000
Total, FA Retained Services	(\$3,000)	\$0	(\$3,000)
Total, Amount to be Rec'd	\$3,000	\$50,000	\$53,000

Remarks: This funding agreement is amended to add non-recurring H&C funds in the amount of \$50,000.
Effective Date: April 6, 2018

Tribe A

By: See Funding Agreement
Chairman _____ Date _____
United States of America
Department of Health and Human Services

By: _____ Date _____
Director, Indian Health Service

OTSG-871 Amendment Document

OTSG-871 (9/59) Page 1 of 1

FY 2018 FUNDING AGREEMENT
between the
Tribe A
and the
United States of America
Department of Health and Human Services
Obligation/Payment Authorization

Effective Date:	Document Number:	EIN #
04/06/2018	65G181234-18-02	1123456789A1

CFDA:	DUN #
99210	123456789

Sub Sub Activity	Approp Class	CAN	Object	Previous Payments	Revised Payments	Increase (Decrease)
Hospitals & Clinics	7500390	J5100HC	41802	5000	\$50,500	\$50,000
Dental	7500390	J5100ENT	41802	\$1,000	\$1,000	\$0
Mental Health	7500390	J5100MH	41802	\$1,500	\$1,500	\$0
TOTAL, Services (Annual)				\$3,000	\$53,000	\$50,000
GRAND TOTAL				\$3,000	\$53,000	\$50,000

Remarks: Obligate and pay funds due under Amendment 01

Area Fund Certification:	HQ Financial Certification:
See the attached email dated 4/8/18	
Area Office _____ Date _____	HQ Office of Finance and Accounting _____ Date _____
Recommendation for Approval: _____	Approved: _____
Office of Tribal Self-Governance _____ Date _____	Director, Indian Health Service _____ Date _____

OTSG-870 Payment Document

OTSG-870 (9/98) Page 1 of 1

SELF-GOVERNANCE FA TABLE
Cumulative Funding Report
Tribe: Tribe A
FY: 2018
Date: 04/06/2018

FA # 65G181234 Updated through Amendment # 01

SUB SUB ACTIVITY	PROGRAM			AREA OFFICE TRIBAL SHARES			HEADQUARTERS TRIBAL SHARES			TOTALS		
	FA Amount	Retained Services	Pay Total Amount to Be Rec'd	FA Amount	Retained Services	Area Total Amount to Be Rec'd	FA Amount	Retained Services	HQ Total Amount to Be Rec'd	FA Amount	Retained Services	FA Total Amount to Be Rec'd
1	2	3	4	5	6	7	8	9	10	11	12	13
Hospitals & Clinics	\$3,000	(\$0)	\$30,000	\$2,000	(\$2,000)	\$0	\$0	\$0	\$0	\$03,000	(\$2,000)	\$30,000
Dental	\$1,000	\$0	\$1,000	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000	\$0	\$1,000
Mental Health	\$1,000	\$0	\$1,000	\$0	\$0	\$0	\$1,000	(\$500)	\$500	\$2,000	(\$800)	\$1,500
TOTAL, Services (Annual)	\$5,000	(\$0)	\$32,000	\$2,000	(\$2,000)	\$0	\$1,000	(\$500)	\$500	\$5,000	(\$3,000)	\$32,000
GRAND TOTAL, FA	\$5,000	(\$0)	\$32,000	\$2,000	(\$2,000)	\$0	\$1,000	(\$500)	\$500	\$5,000	(\$3,000)	\$32,000

Cumulative Funding Report

Printed on 04/11/2018 Page 1 of 1



QUESTIONS?

THANK YOU!



CONTACT INFORMATION

Chris Manydeeds

Management Analyst

Office of Tribal Self-Governance

Christopher.Manydeeds@ihs.gov

Indian Health Service