



Indian Health Service Fact Sheet

IHS Buy Indian Act Final Rule

Background

IHS's [final rule on the Buy Indian Act](#) will strengthen requirements to set-aside contracts for Indian-owned and controlled businesses. The final rule clarifies the preference for Indian-owned and controlled businesses and **removes barriers by alleviating unnecessary regulatory burdens**. IHS is committed to improving economic conditions and providing more opportunities for Indian-owned businesses.

Q. Is this the first proposed rule for implementation of the Buy Indian Act for IHS? Or is this an update to a previous rule?

This rule replaces existing HHS rules governing the use of the Buy Indian Act. This rule supplements the department of Health and Human Services Acquisition Regulations, 48 CFR parts 326 and 352, and once finalized, IHS will update the [Indian Health Manual, Part 5, Chapter 5, Section 6-1 Buy Indian Policy](#). The intent is to align IHS processes with the Bureau of Indian Affairs in order to facilitate more contracting opportunities for eligible entities under the Buy Indian Act.

Q. How is the IHS final rule on the Buy Indian Act aligning itself with the Department of Interior Bureau of Indian Affairs to ensure consistency on the act?

Since the IHS and BIA are the only two federal agencies within the federal government authorized to utilize the Buy Indian Act, the intent of the IHS is to establish and maintain the resulting contracting procedures that are consistent between the agencies. This is also in alignment with the goal of the Indian Economic Enhancement Act of 2020, and the IHS will continue to collaborate with BIA to harmonize the acquisition regulations surrounding the Buy Indian Act for both Departments.

Q. What changes have been made? What is the benefit of the final rule?

The final rule:

- alleviates unnecessary regulatory burden on Indian Economic Enterprises
- expand application of the Buy Indian Act to all construction including the planning, design and construction of health care facilities, personnel quarters, and water supply and waste disposal facilities;
- better adheres to the language of the Buy Indian Act;
- strengthens oversight of the Buy Indian Act to reduce the potential for fraud and abuse;
- and clarifies the preference for Indian Economic Enterprises;

The rule also provides additional detail to set-aside priority, deviations, challenges and how IHS will report on the Buy Indian Act contract activities.

Q. When will the final rule take effect?

Sixty days after publication in the Federal Register. IHS must follow specific statutory requirements and provide 60-day notice.

Q. How do I register my Native-owned business as an Indian Economic Enterprise?

Any Indian-owned and controlled businesses interested in competing for an IHS Buy Indian Act set-aside acquisition will be required to fill out an IHS Indian Economic Enterprise self-certification form. This form will be provided as an attachment to all IHS solicitations set-aside under the Buy Indian Act. Completed and signed forms should be submitted with quote/proposal in response to the specific IHS solicitation. Once the final rule is published and IHS has updated its Indian Health Manual in support of the Buy Indian Act, the form will be made available on the IHS Division of Acquisition Policy webpage. In addition, potential offerors can also reach out to any IHS Contracting Officer to obtain a copy of the form. If potential offerors have additional questions, they can also reach out to Santiago Almaraz, IHS head of contracting activity at santiago.almaraz@ihs.gov or Ken Truesdale, acting director-division of acquisition policy, at kenneth.truesdale@ihs.gov.