

# **List of Federal Tribal Consultation Statutes, Orders, Regulations, Rules, Policies, Manuals, Protocols and Guidance**

January 2009

*Note: This list was prepared by the White House – Indian Affairs Executive Working Group (WH-IAEWG), Consultation and Coordination Advisory Group (CACAG). It contains those federal Tribal consultation statutes, orders, regulations, policies, manuals, and protocols that specify procedures as to how Departments, agencies and bureaus are to carry out consultation. It also includes many of the laws, orders, regulations and policies requiring that government-to-government relationships with tribes be carried out however, it does not purport to be comprehensive or all encompassing.*

## **Part I: Legal Authorities Requiring Consultation - Government-wide**

### **A. Statutes Requiring Consultation – Government-wide:**

#### **1. American Indian Religious Freedom Act (AIRFA) (16 U.S.C. 1996)**

AIRFA establishes the policy of the federal government “to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including, but not limited to, access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.”

#### **2. Archeological Resources Protection Act of 1979. (ARPA) (16 U.S.C. 470aa-mm)**

ARPA requires federal agencies to consult with tribal authorities before permitting archeological excavations on tribal lands (16 U.S.C. 470cc(c)). It also mandates the confidentiality of information concerning the nature and location of archeological resources, including tribal archeological resources. (Also refer to the ARPA implementing regulations concerning consultation.)

#### **3. National Historic Preservation Act (NHPA) (16 U.S.C. 470 et seq.)**

In carrying out its responsibilities under section 106 of this Act, a Federal agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to properties described in subparagraph (A). (Section 101(d) (6) (B))

#### 4. Native American Graves Protection and Repatriation Act (25 U.S.C. 3001, et. seq.)

NAGPRA requires consultations with Indian tribes, traditional religious leaders and lineal descendants of Native Americans regarding the treatment and disposition of specific kinds of human remains, funerary objects, sacred objects and other items. Under the Act, consultation is required under certain circumstances, including those identified in Sections 3002(c), 3002(d), 3003, 3004, and 3005. (Also refer to the NAGPRA implementing regulations concerning consultation.

Detailed information about NAGPRA and its implementing regulations is available at the National Park Service (NPS) National NAGPRA website, which can be found at: <http://www.nps.gov/history/nagpra/>

### B. Regulations Requiring Consultation - *Government-wide*

#### 1. Native American Graves Protection and Repatriation Act (NAGPRA) Implementing Regulations (43 CFR 10)

The NAGPRA implementing regulations refer to consultation or consultation-related concerns in several sections, including (but not limited to): 43 CFR 10.5 (consultation requirements for intentional excavation or inadvertent discovery), 43 CFR 10.8 (consultation requirements for summaries), 43 CFR 10.9 (consultation requirements for inventories). The regulations also specify other requirements for communicating with tribes, though without requiring consultation.)

#### 2. National Environmental Policy Act (NEPA) Implementing Regulations 40 CFR Part 1500

NEPA requires the preparation of an environmental assessment (EA) or environmental impact statement (EIS) for any proposed major federal action that may significantly affect the quality of the human environment. While the statutory language of NEPA does not mention Indian tribes, the Council on Environmental Quality (CEQ) regulations and guidance do require agencies to contact Indian tribes and provide them with opportunities to participate at various stages in the preparation of an EA or EIS. CEQ has issued a Memorandum for Tribal Leaders encouraging tribes to participate as cooperating agencies with federal agencies in NEPA reviews. Section 40 CFR 1501.2(d)(2) requires that Federal agencies consult with Indian tribes early in the NEPA process. Other sections also refer to interacting with Indian tribes while implementing the NEPA process.

#### 3. National Historic Preservation Act (NHPA) Regulations Implementing Section 106 (36 CFR Part 800)

The regulations implementing Section 106 of the NHPA require consultation with Indian tribes throughout the historic preservation review process. Federal agencies are required

to consult with Indian tribes on a government-to-government basis, in a manner that is respectful of tribal sovereignty. The regulations require federal agencies to acknowledge the special expertise of Indian tribes in determining which historic properties are of religious and cultural significance to them.

### C. Executive Orders and Memoranda Requiring Consultation – *Government-wide*

1. EO 13175: Consultation and Coordination with Indian Tribal Governments (Nov. 6, 2000)
2. EO 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 11, 1994) - Published in Federal Register, 59 FR 7629, Wednesday, February 16, 1994  
<http://www.hud.gov/offices/fheo/FHLaws/EXO12898.cfm>

Section 6-606, entitled “Native American Programs,” requires that each Federal agency responsibility set forth under this order shall apply equally to Native American programs. In addition, the Department of the Interior, in coordination with the Working Group, and, after consultation with tribal leaders, shall coordinate steps to be taken pursuant to this order that address Federally-recognized Indian Tribes.

## **Part II: Legal Authorities Requiring Consultation - *Two or More Agencies***

### 1. Statutes Requiring Consultation

- a. DOI and HHS: Indian Self-Determination and Education Assistance Act (25 U.S.C. 450)  
The Indian Self-Determination and Education Assistance Act (Public Law 93-638, as amended) applies to certain activities of the Department of the Interior and the Indian Health Service, located in the Department of Health and Human Services). The Act establishes a Self-Determination Policy and permits federally recognized Indian tribes to plan, conduct, and administer programs and services that traditionally have been managed by the federal government, subject to the conditions specified by the Act and its implementing regulations. Both the Act and regulations require that consultation be carried out under specified circumstances.
- b. DOJ, and HHS: Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA II) Pub.L. No. 109-162- (2005)  
Title IX (Safety for Indian Women), Sec. 90 – Consultation, 42 U.S. C. & 14045d Section 903 of Title IX, “Consultation”, directs the Attorney General and Secretary of Health and Human Services to each conduct annual consultation with Indian tribal government concerning the federal administration of tribal funds and programs established under the Violence Against Women Act of 1994 and 2000. This requires the Attorney General,

during such consultations, to solicit recommendations from Indian tribes concerning: (1) administering tribal funds and programs ; (2) ENHANCING THE SAFETY OF Indian women from domestic violence, dating violence, sexual assault and stalking; and (3) strengthening the federal response to such violent crimes.

- c. (DOI, DOJ, and HHS) Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008.  
Title VI—Emergency Plan for Indian Safety and Health. In general, there is an authorization for a 2 billion dollar emergency fund to be appropriated for a year period, beginning October 1, 2008, to remain available until expended on request by the Attorney General, the Secretary of the Interior, or the Secretary of Health and Human Services to carry out the emergency plan. Not later than one year after the date of enactment (July 30, 2008), the Attorney General, the Secretary of the Interior and the Secretary of Health and Human Services, in consultation with Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(b)), shall jointly establish an emergency plan that addresses law enforcement, water, and health care needs of Indian tribes, in specified categories and amounts.

## 2. Regulations Requiring Consultation

- a. DOI and HHS: Indian Self-Determination and Education Assistance Act Implementing Regulations (25 CFR Parts 900 and 1000)

Please refer to item under “Statutes” for a discussion of this Act and its regulations.

## 3. Secretarial Orders and Memoranda Requiring Consultation

- a. DOC and DOI: Dept. of the Interior
  - 1. SO 3206: Tribal Rights, Trust Responsibilities and the Endangered Species Act (June 5, 1997)  
This order was issued jointly by the Secretaries of the Interior and Commerce, and applies to both Departments. It provides guidance about the federal-tribal relationship and how this relationship should affect the implementation of the Endangered Species Act. The order requires consultations with tribal governments in several situations described in the order, including Principal 1’s requirement that whenever “agencies, bureaus, and offices of the Departments are aware that their actions planned under the Act may impact tribal trust resources, the exercise of tribal rights, or Indian lands, they shall consult with, and seek the participation of, the affected Indian tribes to the maximum extent practicable and Principal 3(B)’s requirement that the “Departments shall conduct government-to-government consultations to discuss the extent to which tribal resource management plans for tribal trust resources outside Indian lands can be incorporated into actions to address the conservation needs of listed species.”

**Part III: Legal Authorities and Other Policies, Procedures or Guidelines  
Requiring Consultation - *Department, Agency, or Bureau Specific***

**GOVERNMENT-WIDE EXECUTIVE DEPARTMENTS**

**DEPARTMENT OF AGRICULTURE (USDA)**

USDA Web Page:

<http://www.usda.gov/na>

USDA Departmental Regulation, 1350-001, September 11, 2008, Tribal Consultation

<http://www.ocio.usda.gov/directives/doc/DR1350-001.pdf>

USDA Departmental Regulation, 1340-007, March 14, 2008, Policies on American Indians and Alaska Natives

<http://www.ocio.usda.gov/directives/doc/DR1340-007.pdf>

USDA Departmental Regulation 1020-005, October 3, 2008 Native American Working Group

<http://www.ocio.usda.gov/directives/doc/DR1020-005.htm>

**Forest Service**

FSM (Forest Service Manual) – 1500 -External Relations  
Chapter 1560 – State, Tribal, County, and Local Agencies, Public and Private Organizations

Forest Service Tribal Policies, Including Consultation, are contained in Section 1563, available at:

[http://www.fs.fed.us/cgi-bin/Directives/get\\_dirs/fsm?1500](http://www.fs.fed.us/cgi-bin/Directives/get_dirs/fsm?1500)

(Available in word document or text document, select 1562 – 1566.11 from list)

**Natural Resources Conservation Service (NRCS)**

General Manual: Title 410-Rural Development, Part 450-American Indians and Alaska Natives

<http://directives.sc.egov.usda.gov/17072.wba>

General Manual: Title 420-Social Sciences, Part 401 Cultural Resources (Archeology and historical Properties)

<http://directives.sc.egov.usda.gov/17073.wba>

Handbook: Title 190-Ecological Sciences, Part 601-National Cultural Resources Procedures Handbook, (see 601.62)

<http://directives.sc.egov.usda.gov/17090.wba>

## **Rural Development**

[www.rurdev.usda.gov/rd/aian](http://www.rurdev.usda.gov/rd/aian)

## **Animal Plant Health Inspection Service**

Directive 1040 concerning employees' relationship with the federally recognized tribes:  
[http://www.aphis.usda.gov/about\\_aphis/programs\\_offices/anawg/downloads/1040-06.pdf](http://www.aphis.usda.gov/about_aphis/programs_offices/anawg/downloads/1040-06.pdf)

## **Office of the Assistant Secretary of Civil Rights**

<http://www.ascr.usda.gov/partnerships.html>  
<http://www.ascr.usda.gov/doc/MOAUSDAAIHECSIGNED2508.pdf>

## **DEPARTMENT OF COMMERCE (DOC)**

## **DEPARTMENT OF DEFENSE (DOD)**

**Department of Defense American Indian and Alaska Native Policy**  
<https://www.denix.osd.mil/portal/page/portal/content/environment/NA/1-American%20Indian%20and%20Alaska%20Native%20Policy.pdf>

**Department of Defense American Indian and Alaska Native Policy (Annotated)**  
[https://www.denix.osd.mil/portal/page/portal/content/environment/NA/3-composite%20annotated%20policy%20for%20posting%20TA%206-08%20\(2\).pdf](https://www.denix.osd.mil/portal/page/portal/content/environment/NA/3-composite%20annotated%20policy%20for%20posting%20TA%206-08%20(2).pdf)

**Department of Defense American Indian and Alaska Native Policy - Instruction**  
<https://www.denix.osd.mil/portal/page/portal/content/environment/NA/2-Policy%20Instruction%20for%20Posting%20RB%206-08.pdf>

Department of Defense Instruction No. 4710.02: DoD Interactions with Federally-Recognized Tribes (2006). See especially Enclosure 8, "Principles for Consultations with Native Americans. <http://www.dtic.mil/whs/directives/corres/pdf/471503.pdf>

## **Department of the Navy**

*Department of the Navy Policy for Consultation with Federally Recognized Indian Tribes.* (2005)  
<http://doni.daps.dla.mil/Directives/11000%20Facilities%20and%20Land%20Management%20Ashore/11-00%20Facilities%20and%20Activities%20Ashore%20Support/11010.14A.pdf>

Instruction No. 11010.14A, Department of Navy Policy for Consultation with Federally Recognized Indian Tribes. (2005)  
<http://doni.daps.dla.mil/Directives/11000%20Facilities%20and%20Land%20Management%20Ashore/1100%20Facilities%20and%20Activities%20Ashore%20Support/11010.14A.pdf>

### **Marine Corps**

Marine Corps Order (MCO) 5090.2A, Chapter 8, provides cultural resources policy (including consultation) for the Marine Corps. In preparation.

### **Department of the Army**

Army Regulations 200-4: Cultural Resources Management Program (2004)

See especially Section 1-9(c) on government-to-government relations and consultation.

<http://www.gordon.army.mil/dpw/enrmo/ar200-4.html>

U.S. Army Corp of Engineers, Civil Works, Policy Guidance Letter 57: Tribal Policy Principles. 1998. "Consulting with Tribal Nations: A Guide for the US Army Corps of Engineers". (2008)

[www.usace.army.mil/cw/tribal/index.html](http://www.usace.army.mil/cw/tribal/index.html)

### **Department of the Air Force**

Air Force Instruction 32-7065; Cultural Resources Management Program (2004)

See especially Chapter 3.2 "Consultation with Native Americans."

[http://www.afpmb.org/military\\_entomology/usafento/files/afi32-7065.pdf](http://www.afpmb.org/military_entomology/usafento/files/afi32-7065.pdf)

## **DEPARTMENT OF EDUCATION (ED)**

## **DEPARTMENT OF ENERGY (DOE)**

US Department of Energy American Indian Policy

[www.ci.doe.gov/tapolicy.htm](http://www.ci.doe.gov/tapolicy.htm)

*A Guide for DOE Employees Working with Indian Tribal Nations* (2000)

[http://homer.ornl.gov/oepa/guidance/cultural/em\\_guide.pdf](http://homer.ornl.gov/oepa/guidance/cultural/em_guide.pdf)

DOE American Indian and Alaska Native Tribal Government Policy: The Department's Tribal Policy

[www.ci.doe.gov/tapolicy.htm](http://www.ci.doe.gov/tapolicy.htm)

Framework for the Implementation of the DOE American Indian Alaskan Native Tribal Government Policy for the Offices of Environmental Management, Nuclear Energy, Science, and National Nuclear Security Administration: The implementation of the Policy as applied to specific offices with landlord responsibilities near specific Indian lands.

DOE Employee Guide: *Working With Indian Tribal Nations (DOE/EM-0771, December 2000)*: An introduction for federal government employees who work with American Indian staff or governments

DOE Order 1230.2: Internal DOE Order transmitting the Tribal Policy and identifying the responsibilities of individual programs to identify points of contact for tribal issues

Native American Consultation Information Brief” (DOE/EH-41-0019/1204, December 2004

Environmental Guidelines for the Development of Cultural Resource Management Plans – Update” (DOE Guide 450.1-3)

Radioactive Material Transportation Practices Manual (DOE M 460.2-1)

Working with Indian Tribal Nations; December, 2000 U.S. Department of Energy  
Transportation Resources for Tribes; July, 2003 U.S. Department of Energy,

**Bonneville Power Administration**

*BPA Tribal Policy.* (1996)

<http://www.bpa.gov/corporate/kt/tribpolx.shtml>

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**

HHS Tribal Consultation Policy

<http://www.hhs.gov/intergovernmental/tribal/docs/tribalconsultationpolicyfeb08.pdf>

All HHS Agency Consultation Plans

<http://www.hhs.gov/intergovernmental/tribal/allplans.pdf>

Administration for Children & Families (ACF)

Administration on Aging (AoA)

Agency for Healthcare Research & Quality (AHRQ)

Agency for Toxic Substances & Disease Registry (ATSDR)

Centers for Disease Control & Prevention (CDC)

Centers for Medicare & Medicaid Services (CMS)

Food & Drug Administration (FDA)

Health Resources & Services Administration (HRSA)

Indian Health Service (IHS)

National Institutes of Health (NIH)

Substance Abuse & Mental Health Services Administration (SAMHSA)

All HHS Staff Divisions Consultation Plan

<http://www.hhs.gov/intergovernmental/tribal/osplan.html>

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)**

Government-to-Government Tribal Consultation Policy

[http://www.hud.gov/offices/pih/ih/regs/govtogov\\_tcp.cfm](http://www.hud.gov/offices/pih/ih/regs/govtogov_tcp.cfm)



## **DEPARTMENT OF INTERIOR (DOI)**

### **1. Department-wide:**

(1) *Departmental Responsibilities for Indian Trust Resources* (1995) [Series: Intergovernmental Relations; Part 512: American Indian and Alaska Native Programs; Chapter 2: Departmental Responsibilities for Indian Trust Resources; 512 DM 2] - <http://elips.doi.gov/elips/release/3049.htm>

This DM requires consultation with potentially affected recognized Indian tribal governments in the event an evaluation reveals any impacts on Indian trust resources, trust assets, or tribal health and safety.

(2) *Departmental Manual Departmental Responsibilities for Protecting/Accommodating Access to Indian Sacred Sites* (1998) [Series: Intergovernmental Relations; Part 512: American Indian and Alaska Native Programs; Chapter 3: Departmental Responsibilities for Protecting/Accommodating Access to Indian Sacred Sites; 512 DM 3] - [http://elips.doi.gov/app\\_dm/act\\_getfiles.cfm?relnum=3214](http://elips.doi.gov/app_dm/act_getfiles.cfm?relnum=3214)

This DM requires consultation with potentially affected federally recognized tribal government(s) when taking actions pursuant to this DM, which pertains to avoiding adverse impacts to and providing access to Indian sacred sites.

(3) ECM 97-2 Departmental Responsibilities for Indian Trust Resources and Indian Sacred Sites on Federal Lands  
<http://oepec.doi.gov/ECM/ECM97%2D2%2Epdf>

Requires DOI offices and bureaus to consult with tribes in the course of carrying out environmental compliance when potential impacts to Indian Trust Resources or Indian Sacred Sites are identified.

### **2. Bureau-specific**

#### **a. Bureau of Indian Affairs**

*Government-to-Government Consultation Policy*. (2000)

[http://www.fpa.nifc.gov/Library/Memos/Docs/Bureau\\_of\\_Indian\\_Affairs\\_Consultation\\_Policy.pdf](http://www.fpa.nifc.gov/Library/Memos/Docs/Bureau_of_Indian_Affairs_Consultation_Policy.pdf).

(Note: "consultation" was misspelled in the creation of this link-Monique)  
*Government-to-Government Consultation Policy* (2000)

[http://www.doi.gov/bia/tribal\\_consultation.html](http://www.doi.gov/bia/tribal_consultation.html)

#### **b. Bureau of Indian Education**

Department of the Interior, Bureau of Indian Affairs Programs. Policy for Indian Control of Indian Education (25 U.S.C. 2011).

The statute mandates secretarial consultation with tribes to ensure quality education for all tribal members. It includes a definition of consultation. (Note: The Office of Indian Education Programs was taken out of the Bureau of Indian Affairs in 2007 to become the Bureau of Indian Education (BIE). This statute only applies to BIE, within the Department of Interior.

**c. U.S. Geological Survey**

(1) U.S. Geological Survey Manual, Section 500.4 Policy on Employee Responsibility Towards American Indians and Alaska Natives. (1995) <http://www.usgs.gov/usgs-manual/500/500-4.html>

(2) U.S. Geological Survey Manual, Section 500.6 American Indian and Alaska Native Sacred Sites. (1997) <http://www.usgs.gov/usgs-manual/500/500-6.html>

**d. National Park Service**

(1) A compilation of NPS management policies pertaining to Native Americans. (2001) <http://www.nps.gov/policy/NativeAmericanPolicies.htm>

(2) Native American Consultation Database. <http://www.cast.uark.edu/other/nps/nacd/>

*A compilation of NPS management policies pertaining to Native Americans.* (2001) <http://www.nps.gov/policy/NativeAmericanPolicies.htm>

*National NAGPRA Online Databases: Native American Consultation Database.* <http://www.cast.uark.edu/other/nps/nacd/>

**e. Bureau of Reclamation**

(1) Protocol Guidelines: Consulting with Indian Tribal Governments <http://www.usbr.gov/native/naao/policies/protguide.pdf>

(2) Guidance for Implementing Indian Sacred Sites Executive Order (September 16, 1998)

(3) Indian Policy of the Bureau of Reclamation. (1998) <http://www.usbr.gov/native/naao/policies/indianpol.pdf>

*(4) Note: This list does not include all Bureau of Reclamation policies or guidance indicating that consultation with tribal governments should be carried out, but omits policies which merely augments other, higher level sources, such as statutes, CFR's, EO's, SO's or DM's, which require consultation under specific circumstances.*

f. **Bureau of Land Management**

Manual 8120 Tribal Consultation under Cultural Resource Authorities.  
(2004)

[http://www.blm.gov/style/medialib/blm/wo/Information\\_Resources\\_Management/policy/blm\\_manual.Par.80216.File.dat/8120.pdf](http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/blm_manual.Par.80216.File.dat/8120.pdf)

Handbook H-8120-1 Guidelines for Conducting Tribal Consultation. (2004)

[http://www.blm.gov/style/medialib/blm/wo/Information\\_Resources\\_Management/policy/blm\\_handbook.Par.86923.File.dat/h8120-1.pdf](http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/blm_handbook.Par.86923.File.dat/h8120-1.pdf)

**DEPARTMENT OF JUSTICE (DOJ)**

Department of Justice Policy on Indian Sovereignty and Government-to-Government Relations with Indian Tribes. (1995)

<http://www.usdoj.gov/ag/readingroom/sovereignty.html>

**DEPARTMENT OF LABOR (DOL)**

**DEPARTMENT OF STATE (DOS)**

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service (IRS)**

- IRS has consultation "procedures" that direct how IRS will implement Department of the Treasury Consultation Policy.
- The procedures are currently under review and not yet final. The IRS has developed the procedures via a working group that included tribal representatives. -In effect, the IRS "consulted on consultation". The procedures have two components: (1) Ad hoc consultation where a tribe can request to meet on an issue of concern and "Listening Meetings" where we invite tribal representatives from the BIA regions (4 per year) to open a dialogue on an issue of concern to them, suggestions they may have on IRS operations, and questions about federal tax and Bank Secrecy Act issues. There have been 11 consultation meetings since December of 2005 and another is tentatively scheduled for this December.
- A link that outlines the guidelines to these meetings is:

Information on IRS tribal consultation listening meetings and schedules:  
<http://www.irs.gov/govt/tribes/article/0,,id=150031,00.html>

Information on IRS protocol for contacting Tribes:  
<http://www.irs.gov/govt/tribes/article/0,,id=185150,00.html>

## **DEPARTMENT OF TRANSPORTATION (DOT)**

DOT Order 5301.1

Department of Transportation Programs, Policies, and Procedures affecting American Indians, Alaska Natives and Tribes

<http://www.environment.fhwa.dot.gov/guidebook/vol2/5301.1.pdf>

### **Federal Highway Administration**

Section 106 Tribal Consultation Q & A's:

<http://www.fhwa.dot.gov/hep/tribaltrans/tcqa.htm>

### **Federal Aviation Administration**

*American Indian and Alaska Native Tribal Consultation Policy and Procedures.* (2004)

[http://overflights.faa.gov/apps/GetFile.CFM?File\\_ID=88](http://overflights.faa.gov/apps/GetFile.CFM?File_ID=88)

### **Federal Aviation Administration**

FAA Order 1210.20,

American Indian and Alaska Native Tribal Consultation Policy and Procedures (2004)

[http://www.faa.gov/regulations\\_policies/orders\\_notices/media/1210.pdf](http://www.faa.gov/regulations_policies/orders_notices/media/1210.pdf)

## **DEPARTMENT OF VETERANS AFFAIRS (VA)**

Directive 8603 “Consultation and Visitation with American Indians and Alaskan Natives:  
[www1.va.gov/vapubs/viewPublication.asp?Pub\\_ID=335&FType=2](http://www1.va.gov/vapubs/viewPublication.asp?Pub_ID=335&FType=2)

Handbook 7545 “Cultural Resource Management Procedures”

[www1.va.gov/vapubs/viewPublication.asp?Pub\\_ID=312&FType=2](http://www1.va.gov/vapubs/viewPublication.asp?Pub_ID=312&FType=2)

Native American Veteran Housing Loan Program: Statutory mandate regarding VA personnel working with Native American veterans and Native Tribal Authorities: 38 U.S.C. Section 3762.

Native American Veteran Housing Loan Program: Regulatory requirement (for the same program) 38 CFR Section 36.4527, Direct housing loans to Native American veterans on trust lands.

VA and HHS have a MOU to encourage cooperation and resource sharing between the Veterans Health Administration (VHA) and Indian Health Service (IRS). The goal of the MOU is to use the strengths and expertise of each organization to deliver quality health

care services and enhance the health of American Indian and Alaska Native veterans. This MOU establishes joint goals and objectives for ongoing collaboration between VHA and IHS in support their respective missions. VHA Handbook 1111.2, Spiritual and Pastoral Care Procedures, includes several references about including American Indian and Alaskan Native traditional practices in VA Health Administration facilities.

## **INDEPENDENT AGENCIES AND GOVERNMENT CORPORATIONS**

### **ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)**

Policy Statement on the ACHP's Relationships with Indian Tribes (2000)  
<http://www.achp.gov/policystatement-tribes.html>

Tribal Consultation in the Section 106 Review Process; A Handbook (2008)  
<http://www.achp.gov/nap.html>

### **AFRICAN DEVELOPMENT FOUNDATION**

### **AMTRAK (National Railroad Passenger Corporation)**

### **CENTRAL INTELLIGENCE AGENCY (CIA)**

### **COMMISSION ON CIVIL RIGHTS**

### **COMMODITY FUTURES TRADING COMMISSION**

### **CONSUMER PRODUCT SAFETY COMMISSION (CPSC)**

### **CORPORATION FOR NATIONAL AND COMMUNITY SERVICE (CNCS)**

[Corporation for National and Community Service](http://www.cnsc.gov)

### **COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA**

### **DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

### **ELECTION ASSISTANCE COMMISSION**

### **ENVIRONMENTAL PROTECTION AGENCY (EPA)**

*Public Involvement Policy of the U.S. Environmental Protection Agency.*  
<http://www.epa.gov/publicinvolvement/policy2003/policy2003.pdf> (2003)

<http://www.epa.gov/tribal/basicinfo/epa-policies.htm>

National Environmental Justice Advisory Council Indigenous Peoples Subcommittee.  
(2000) *Guide on Consultation and Collaboration with Indian Tribal Governments and the Public Participation of Indigenous Groups and Tribal Members in Environmental Decision Making.*

[http://www.epa.gov/compliance/resources/publications/ej/ips\\_consultation\\_guide.pdf](http://www.epa.gov/compliance/resources/publications/ej/ips_consultation_guide.pdf)

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)**

**EXPORT-IMPORT BANK OF THE UNITED STATES**

**FARM CREDIT ADMINISTRATION**

**FEDERAL COMMUNICATIONS COMMISSION (FCC)**

*Statement of Policy on Establishing a Government-to-Government Relationship with Indian Tribes.*

**FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)**

**FEDERAL ELECTION COMMISSION (FEC)**

**FEDERAL HOUSING FINANCE BOARD**

**FEDERAL LABOR RELATIONS AUTHORITY**

**FEDERAL MARITIME COMMISSION**

**FEDERAL MEDIATION AND CONCILIATION SERVICE**

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

**FEDERAL ENERGY REGULATORY COMMISSION**

Federal Energy Regulatory Commission. (2003). *Policy Statement on Consultation with Indian Tribes in Commission Proceedings.*

<http://www.ferc.gov/whats-new/comm-meet/072303/M-2.pdf>

**FEDERAL RESERVE SYSTEM**

**FEDERAL RETIREMENT THRIFT INVESTMENT BOARD**

**FEDERAL TRADE COMMISSION (FTC)**

**GENERAL SERVICES ADMINISTRATION (GSA)**

GSA's [\*Policy Toward Native American and Alaskan Tribes \(ADM 1072.1\)\*](#), November 17,1999

**INSTITUTE OF MUSEUM AND LIBRARY SERVICES**

**INTER-AMERICAN FOUNDATION**

**INTERNATIONAL BROADCASTING BUREAU (IBB)**

**MERIT SYSTEMS PROTECTION BOARD**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)**

**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)**

**NATIONAL CAPITAL PLANNING COMMISSION**

**NATIONAL COUNCIL ON DISABILITY**

**NATIONAL CREDIT UNION ADMINISTRATION (NCUA)**

**NATIONAL ENDOWMENT FOR THE ARTS**

**NATIONAL ENDOWMENT FOR THE HUMANITIES**

**NATIONAL INDIAN GAMING COMMISSION**

National Indian Gaming Commission Government-to-Government Tribal Consultation  
Policy (2004)

<http://www.nigc.gov/AboutUs/GovttoGovtPolicyOverview/tabid/73/Default.aspx>

**NATIONAL LABOR RELATIONS BOARD (NLRB)**

**NATIONAL MEDIATION BOARD**

**NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)**

**NATIONAL SCIENCE FOUNDATION (NSF)**

**NATIONAL TRANSPORTATION SAFETY BOARD**

**NUCLEAR REGULATORY COMMISSION (NRC)**

**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

**OFFICE OF COMPLIANCE**

**OFFICE OF GOVERNMENT ETHICS**

**OFFICE OF PERSONNEL MANAGEMENT**

**OFFICE OF SPECIAL COUNSEL**

**OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE**

**OVERSEAS PRIVATE INVESTMENT CORPORATION**

**PANAMA CANAL COMMISSION**

**PEACE CORPS**

**PENSION BENEFIT GUARANTY CORPORATION**

**POSTAL REGULATORY COMMISSION**

**RAILROAD RETIREMENT BOARD**

**SECURITIES AND EXCHANGE COMMISSION (SEC)**

**SELECTIVE SERVICE SYSTEM**

**SMALL BUSINESS ADMINISTRATION (SBA)**

**SOCIAL SECURITY ADMINISTRATION (SSA)**

**TENNESSEE VALLEY AUTHORITY**

**U.S. TRADE AND DEVELOPMENT AGENCY**

**UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT**

**UNITED STATES INTERNATIONAL TRADE COMMISSION**

**UNITED STATES POSTAL SERVICE (USPS)**