

Indian Health Service Tribal Consultation Policy Summary of Changes

Generally, all revisions align the Indian Health Service (IHS) Tribal Consultation Policy with the following:

1. IHS Indian Health Manual (IHM) Chapter formatting requirements to standardize IHM organization;
2. Executive Order 13175;
3. Presidential Memorandum on Uniform Standards for Tribal Consultation;
4. U.S. Department of Health and Human Services (HHS) Tribal Consultation Policy; and
5. Recommendations made by the IHS Director’s Advisory Workgroup on Tribal Consultation.

Section	Revision
Restructure	Established IHS Indian Health Manual (IHM) Part 6 – Services to Tribal Governments and Tribal Organizations, Chapter 6 – IHS Tribal Consultation Policy, superseding IHS Circular No. 2006-01, “Tribal Consultation Policy,” IHM, dated January 18, 2006. Former sections restructured as described below.
Preface	Portions of former Section 5. “Philosophy” restructured and edited as Preface
6-6.1 Introduction	<ul style="list-style-type: none"> • Added language affirming feedback from Tribes is given meaningful consideration and IHS should strive for a mutually beneficial outcome. • Former Section 7. “Objectives” restructured as 6-6.1, A. “Purpose.” and edited • 6-6.1, B. Background updated to include Presidential Memoranda issued after 2006 (2009, 2021, 2022) • 6-6.1, C. Policy edited
6-6.2 Responsibilities	<ul style="list-style-type: none"> • Former Section 8. “Roles” edited and restructured as 6-6.2 “Responsibilities” • Restructures former Section 15. “Consultation with Other Groups” as 6-6.2, B. “Indian Organizations” • Edits further specify responsibilities and incorporate new 6-6.2 F “National Workgroups, Advisory Groups, and Committees”
6-6.3 Procedures	<ul style="list-style-type: none"> • Generally, former Section 9. “Tribal Consultation Guidelines” and former Section 10. “Consultation Process” combined, edited, and restructured as 6-6.3 “Procedures” • Former Section 10., A. “Tribal” restructured as “Tribal Consultation Mechanisms” • Former Section 9., B. “When Consultation Occurs” edited and restructured as 6-6.3, C “Tribal Consultation Parties” • Former Section 9., A. “Consultative Relationship” edited and restructured as “6-6.3, D. “Tribal Consultation Planning Steps” • Former Section 9. C. “Level of Consultation” edited and retained as “6-6.3, E. “Level of Tribal Consultation” with significantly changes in 6-6.3 E. (1) “Correspondence” and (2) “Meetings”

Section	Revision
6-6.3 Procedures <i>(continued)</i>	<ul style="list-style-type: none"> • Former Section 9. D. “Official Tribal Correspondence” retained as “6-6.3, F. “Official Tribal Correspondence” with language identifying other forms of communications beyond Tribal Resolution and Executive Correspondence. • Added 6-6.3, I. “Documentation and Reporting” as new • Former Section 10. B “HHS Divisions and Regional Offices” and C. “States” combined and restructured as 6-6.3. J. “HHS and State Facilitation”
6-6.4 Establishment of Joint Tribal/Federal Workgroups and/or Task Forces	Former Section 11. “Establishment of Joint Tribal/Federal Workgroups and/or Task Forces” restructured as 6-6.4 and references newly created 6-6.15 “Addendum 1” that outlines process for establishing aforementioned groups.
6-6.5 IHS Budget Formulation	<ul style="list-style-type: none"> • Former Section 12. “IHS Budget Formulation” retained as 6-6.5 • 6-6.5, A. “Timeframe,” months changed to reflect current process. • 6-6.5, B. “Area Budget Formulation Teams,” includes new reference to IHS Office of Finance and Accounting as accountable office providing instructions • 6-6.5, C. “Headquarters Budget Formulation Work Team” includes new reference to reflect practice of reviewing annual President’s Budget • Portions of former Section 13. A. “Annual Report” and Section 14 C. “IHS Budget Formulation Report to HHS” combined and restructured to newly created 6-6.5, F. “IHS Budget Formulation Planning and Evaluation Meeting with Indian Tribes and Tribal Organizations” section referencing annual planning and evaluation activities <p>Additional Purpose of Revision: Reflects current practice as identified by the IHS Office of Finance and Accounting, accountable office for conducting IHS Budget Formulation activities</p>
6-6.6 IHS Budget Execution	Addition of a new section that incorporates former Section 10. G “New Funding” and H. “Budget Information Disclosure” and adds in “Grants and Initiative-Related Funding” <p>Additional Purpose of Revision: Separates out IHS Budget Formulation and Budget Execution activities as identified by the IHS Office of Finance and Accounting.</p>
6-6.7 IHS Tribal Consultation Performance and Collaboration	Restructures portions of former Section 13. A. “Annual Report” <p>Additional Purpose of Revision: Reflects current practices</p>

Section	Revision
6-6.8 IHS Meeting Records, Evaluation, and Reporting	<ul style="list-style-type: none"> • Restructures former Section 14 B. “IHS Report Submitted to Indian Tribes and Indian Organizations” to 6-6.8, A. “IHS Tribal Consultation Reports Submitted to Indian Tribes and Tribal Organizations After Tribal Consultation Occurs.” • Restructures former Section 14 D. “IHS Reports Regarding Specific Issues Assigned to Workgroups/Task Forces” to 6-6.8, B. “IHS Reports Regarding Specific Issues Assigned to Workgroups/Task Forces”
6-6.9 Conflict Resolution Process	Restructures former Section 16. “Conflict Resolution” and establishes a new 6-6.9, A. “Tribal Waiver” section
6-6.10 Tribal Sovereignty	<ul style="list-style-type: none"> • Former Section 3. “Tribal Sovereignty” edited and restructured as 6-6.10 “Tribal Sovereignty” • Remaining portions of former Section 5. “Philosophy” not included in “Preface” were restructured as 6-6.10, A. “Philosophy”
6-6.11 IHS Employee Training	Includes a training requirement for IHS employees that includes a review of EO 13175, Presidential Memorandum on Uniform Standards for Tribal Consultation, and the IHS Tribal Consultation Policy
6-6.12 Definitions	Restructures and edits former Section 6. “Definitions,” and: <ul style="list-style-type: none"> • Eliminates former Section 6, E. “Indian,” • Revises former Section 6, J. “Sovereignty” with 6-6.12, O. “Tribal Sovereignty” • Eliminates former Section 6, K. “Substantial Direct Compliance Costs” • Adds 6-6.12, H “To the Extent Practicable and Permitted by Law” • Adds 6-6.12, L. “Tribal Organization” • Adds 6-6.12, P. “Urban Indian Organization”