



JULY 26 2023

Dear Tribal Leader:

I am writing to initiate Tribal Consultation on the updated draft of the Indian Health Service (IHS) Tribal Consultation Policy (Consultation Policy). For your convenience, I have enclosed a redline version that captures all proposed changes and a clean version that incorporates all proposed changes into a draft updated Consultation Policy.

By letter dated March 13, 2023, I updated you on actions by the IHS Director's Advisory Workgroup on Tribal Consultation (Consultation Workgroup) to assist with the Agency review of Tribal Consultation feedback and with developing recommendations for updating the Consultation Policy.

On June 1, the Consultation Workgroup met to complete their review of the updated Consultation Policy. During that meeting, there was consensus from the Consultation Workgroup to ensure the updated Consultation Policy upholds the requirements of both the Executive Order (EO)13175, Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships, and the Presidential Memorandum on Uniform Standards for Tribal Consultation.

There was also consensus by the Consultation Workgroup to ensure the updated Consultation Policy aligns as closely as possible with the draft Tribal Consultation Policy (TCP) developed by the United States (U.S.) Department of Health and Human Services (HHS) that was sent out for Tribal Consultation on October 28, 2022. As of today, the final version of the HHS TCP has not been released. Once the HHS TCP is released, the IHS may need to further revise the Consultation Policy to align with the final version of the HHS TCP.

The Consultation Workgroup could not reach consensus on how to proceed in response to the mandate by Congress that requires Federal agencies to Consult with Alaska Native Corporations (ANCs). In 2004, through two Consolidated Appropriations Acts, Congress required Federal agencies to Consult with ANCs on the same basis as federally recognized Indian Tribes under EO 13175 (Consolidated Appropriations Act, 2004, Public Law 108-199, 118 Stat. 452, as amended by Consolidated Appropriations Act, 2005, Pub. L. 108-447, 118 Stat. 3267). Our proposed Consultation Policy explains how the IHS would engage with ANCs and offers a definition for ANCs. The IHS seeks your input on this question:

- **Should the requirement to Consult with ANCs be addressed in the updated Consultation Policy, added as Addendum 2, or should the IHS issue a separate policy on Consulting with ANCs, where applicable, in the Indian Health Manual (IHM)?**

One recommendation from the Consultation Workgroup included establishing the updated Consultation Policy as a permanent IHS policy by creating a new chapter in the IHM. This updated Consultation Policy would become a new chapter under Part 6, Services to Tribal Governments and Tribal Organizations in the IHM, superseding the existing IHS IHM Circular 2006-01.

TRIBAL CONSULTATION SESSION: Please make plans to join us for a virtual Tribal Consultation session to share your input and recommendations on the updated Consultation Policy on **Wednesday, August 9, 2023**. Session details follow:

DATE:	Wednesday, August 9, 2023
TIME:	12:00 p.m. – 2:00 p.m. ET
ZOOM:	Meeting ID: 160 614 4452 Passcode: 572342 https://ihs.gov.zoomgov.com/meeting/register/vJItceisqj8vGCqBwKWiCbjlOyje-MqWf8Q


WRITTEN COMMENTS and RECOMMENDATIONS: Please send your written comments and recommendations on the Consultation Policy by **Monday, September 11, 2023**:

- By e-mail to: consultation@ihs.gov – Subject line: **IHS TRIBAL CONSULTATION POLICY**.

I look forward to your feedback. Once we have received all comments, we will reconvene the Consultation Workgroup to review the comments. In addition, the updated Consultation Policy will go through the internal IHS clearance process for signature and publication.

Thank you for your valuable input, partnership, and ongoing support. If you have questions, please directly contact Ms. Anna Johnson, Program Analyst, Office of Tribal Self-Governance, IHS, by e-mail at anna.johnson2@ihs.gov, or by telephone at (301) 443-2403.

Sincerely,

Roselyn Tso -S  Digitally signed by Roselyn Tso -S
Date: 2023.07.26 18:57:26 -04'00'

Roselyn Tso
Director

Enclosures: IHS Tribal Consultation Policy REDLINE
IHS Tribal Consultation Policy CLEAN