

UNITED STATES
DEPARTMENT OF VETERANS AFFAIRS



Office of Tribal Government Relations

Policy, Planning and Legislation

[Home](#) → [Policy and Planning](#)

On November 5, 2009, President Obama signed a Memorandum on Tribal Consultation that pronounces Tribal consultations a critical ingredient of a sound and productive Federal-Tribal relationship. The Presidential Memorandum directs all Federal agencies to develop a detailed plan of the actions to fully implement Consultation and Coordination with American Indian/Alaska Native Tribal Governments and to establish regular and meaningful consultation and collaboration with Tribal officials in the development of Federal policies that have Tribal implications.

VA seeks to build stable and enduring relationships with tribes by:

1. Communicating with Tribes on a government-to-government basis in recognition of their sovereignty.
2. Requiring that communications address Tribal concerns between Tribes and the Department.
3. Assessing, through consultation with tribal leaders, the effect of proposed actions by the Department that may have a potential to significantly affect tribal rights and prerogatives.
4. Removing, to the extent possible, procedural or regulatory impediments to the Department working directly and effectively with tribes on activities that may affect tribal rights and prerogatives.
5. Coordinating, with other federal agencies and in consultation with Tribes, to minimize duplicative interactions with Tribes or requests for information or actions from Tribes.
6. Ensuring that the Department fully and often consults and communicates with Tribal governments on issues important to the Tribe through a process of government-to-government dialogue. Consultation with Tribes requires that Department officials recognize that whenever actions by the Department may have potential to significantly affect protected tribal resources, tribal rights or Indian lands, the Department will provide the affected Tribes with an early opportunity to participate in the decision-making process.
7. Providing timely notice to, and consulting with, Tribal Governments prior to taking any actions that may have the potential to significantly affect protected tribal resources, rights or lands. First notification to tribal leadership must be given sufficiently in advance to allow tribes to prepare. The more complex the matter, the more lead time that should be allowed for Tribal leaders to prepare a response.
8. Consulting in good faith, early and often, in any decision-making processes that affect Tribes, their rights or lands. That any proposal to develop, revise or eliminate a policy, regulation or law that would affect tribal governments should go through a consultation process.
9. Developing and maintaining effective communication, coordination and cooperation

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- [→ Locations](#)
- [→ In the News](#)
- [→ Upcoming Events](#)
- [→ Policy, Planning and Legislation](#)
- [→ Resources](#)
- [→ Meet Us](#)
- [→ Contact](#)

Policy, Planning and Legislation

- [VA's Plan of Action](#)
- [Tribal Consultation Policy](#)
- [Tribal Leader Letter](#)
- [Join Our ListServ](#)
- [Memorandum of Understanding Between VA and IHS](#)
- [VA Requests Input: Identifying Administrative, Regulatory and Legislative Barriers for Tribal Governments](#)
- [VHA sharing agreements](#)
- [Native American Direct Loan Program](#)
- [Indian Veterans Housing Act Signed Into Law](#)
- [2010 Caregiver and Veterans Omnibus Health Services Act](#)
- [2010 Veterans Benefits Improvement Act of 2008](#)

with tribes, especially at the tribal leadership level.

10. Honoring the government-to-government relationship and promoting tribal self-determination by committing to improve communication and consultation.
11. Department representatives for consultation should include: a person who is well informed about the Department's proposal and a decision maker who is responsible for making the decision on the matter to work with individuals designated by tribal leadership.
12. The Department will honor and recognize distinct tribal cultures, protect and preserve their inherent right of freedom to believe, express, and exercise their traditional religions, and the freedom to worship through ceremonial and traditional rites.

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Reviewed/Updated Date: September 6, 2012