

Tribal Consultation Policy - Current Status - Draft Outline for IRS/Tribal Consultation Policy

Background: How draft policy was developed/listening meetings, etc.

Purpose:

- Acknowledge Tribal Sovereignty.
- Acknowledge government-government relationship.
- Acknowledge self determination.
- Acknowledge unique status of each Indian Tribe as an independent sovereign.
- Acknowledge treaties, Constitution, non-tax statutes.

Scope:

- Binding on all IRS components.
- Allows consultation with Tribal governments on individual Tribal member issues.
- Allows one-on-one consultation as well as on issues with broad scope.
- Can be initiated by either Tribes or IRS.

Definitions:

- Consultation
- Indian Tribe
- IRS
- Exigent Circumstances

Designate contact points for both IRS and Tribes.

Issue Based Consultation Initiated by IRS:

- Require predecisional input in decisions and policies that have impact on Tribes.
- Delineate time frames for that input and include considerations for exigent circumstances.
- Designate methods IRS will use for notification.
- IRS will explain how Tribal input was considered in final decision.
- All Tribes invited to consult on issues even when an issue raised may not be perceived as relevant to every tribe.

Issue Based Consultation Initiated by Tribe/Group of Tribes:

- Tribe or group of Tribes may invoke consultation.
- If consultation was not employed in a decision, IRS will stay action pending consultation.

Relational Consultation:

- Annual informational meetings in Indian Country to allow Tribes to raise issues and encourage dialogue between Tribes and IRS.

Oversight/Refreshment of Policy:

- Initial assessment 1 year after implementation to determine effectiveness.
- Review every 2 years thereafter.