



BEFORE THERE WAS A NATION,
THERE WAS **THE ARMY**

Fact Sheet: The Army Program Comment for Warfighting Readiness and Tribal Nations

Summary

The Army's Program Comment for Warfighting Readiness represents a significant advancement in government-to-government relations with Tribal Nations. The program creates a more respectful and effective framework for preserving irreplaceable traditional cultural properties.

The Army's Program Comment for Warfighting Readiness represents a significant advancement in government-to-government relations with Tribal Nations. By establishing a modernized framework under the National Historic Preservation Act (NHPA) (91 FR 24249), this initiative strategically reforms the Army's Section 106 compliance process. In doing so, it replaces outdated administrative hurdles with a respectful, highly effective framework designed to preserve irreplaceable traditional cultural properties.

Strengthening Tribal Sovereignty and Consultation

Historically, National Historic Preservation Act (NHPA) Section 106 regulations contained a structural flaw that entangled tribal sovereignty. Under those rules, State Historic Preservation Offices (SHPOs) held primary decision-making authority regarding traditional cultural properties. Under the traditional NHPA framework, the structure of the consultation process distanced Tribal Nations from direct decision-making, treating them similarly to public stakeholders rather than fully recognizing their status as sovereign partners.

The Program Comment corrects this by bypassing state agency intermediaries entirely. The Department of the Army now mandates direct government-to-government consultation with Tribal Nations. This structural alignment honors the sovereign status of Tribal Nations, ensuring they take an active, leading role in all evaluations of traditional cultural properties and serve as the primary decision-making partners in the preservation of their heritage.

Ms. Mary Schmidt, Army Senior Tribal Liaison

"We are correcting a fundamental imbalance... ensuring Tribes have a direct voice in decisions regarding their heritage."



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Prioritizing Properties of Traditional Religious and Cultural Importance

Under the Army Program Comment, Properties of Traditional Religious and Cultural Importance (PTRCI) are placed in a high-priority management tier (Tier 2), ensuring they receive a higher standard of care and project-by-project review. To maximize the avoidance of adverse effects on these sites, Army installations have transitioned from a reactive posture to one of early, proactive planning and continuous coordination with Tribal Nations. By systematically integrating Indigenous Knowledge into the earliest phases of project design, installations can identify sensitive areas and plan around them. In those rare instances where critical mission requirements make complete avoidance impossible, the Army initiates a dedicated consultation process to develop a custom treatment plan, where Tribal and Native Hawaiian Organization Indigenous Knowledge serves as the primary driver for all mitigation and preservation strategies.

Enhanced Practical Support and Transparency

To ensure that direct consultation is both accessible and secure, the Program Comment establishes a robust set of operational supports. Recognizing that meaningful participation requires resources, the framework authorizes the Army to reimburse travel expenses for members of Federally recognized Tribes engaging in PTRCI consultations. Alongside this practical support, the program guarantees absolute confidentiality by mandating the strict protection of sensitive information including shared Indigenous Knowledge and the exact locations of sensitive sites, shielding it from public disclosure.

Furthermore, the framework builds mutual trust through transparency, requiring Army installations to compile and publish annual reports that keep Tribal Nations fully informed of all covered activities. Crucially, these operational updates build upon existing protections without altering them. The Program Comment explicitly ensures that the Army's statutory obligations to Tribal Nations remain completely unaffected under applicable treaties, the Native American Graves Protection and Repatriation Act (NAGPRA), the American Indian Religious Freedom Act (AIRFA), Executive Order 13007 or any other requirements other than those of the NHPA.



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The Transition to the Program Comment: Key Changes for Tribes

As the Army implements this unified national program, Tribal Nations can expect immediate, structural improvements in both active and future consultations. All future efforts to identify, evaluate, and assess properties of traditional cultural or religious significance will occur directly between Army installations and affiliated Tribes, completely removing State Historic Preservation Officers (SHPOs) from the process so that determinations of significance are driven entirely by the sovereign voices of the Tribes themselves. For undertakings where Section 106 reviews are already underway but have not yet concluded with an executed Memorandum of Agreement (MOA) or Programmatic Agreement (PA), the Army will transition negotiations away from state-level coordinators and focus immediately on co-developing custom Treatment Plans alongside Tribes, fully guided by Indigenous Knowledge to mitigate unavoidable impacts. Ultimately, this will provide a single, predictable nationwide system, ensuring that regardless of geographic location, Tribal Nations will experience a standardized process that respects tribal authority and prioritizes robust, direct government-to-government partnerships when engaging with the Army.