

**DEPARTMENT OF JUSTICE****Office of the Attorney General**

[AG Order No. 3481–2014]

**Attorney General Guidelines Stating Principles for Working With Federally Recognized Indian Tribes****AGENCY:** Office of the Attorney General, Department of Justice.**ACTION:** Notice.**SUMMARY:** The Attorney General is issuing guidelines stating principles for working with federally recognized Indian tribes.**DATES:** This notice is effective December 3, 2014.**ADDRESSES:** Mr. Tracy Toulou, Director, Office of Tribal Justice, Department of Justice, 950 Pennsylvania Avenue NW., Room 2310, Washington, DC 20530, email [OTJ@usdoj.gov](mailto:OTJ@usdoj.gov).**FOR FURTHER INFORMATION CONTACT:** Mr. Tracy Toulou, Director, Office of Tribal Justice, Department of Justice, at (202) 514–8812 (not a toll-free number) or [OTJ@usdoj.gov](mailto:OTJ@usdoj.gov).**SUPPLEMENTARY INFORMATION:** The Attorney General Guidelines state the following principles for working with federally recognized Indian tribes:**Overarching Principles**

- The Department of Justice honors and strives to act in accordance with the general trust relationship between the United States and tribes.
- The Department of Justice is committed to furthering the government-to-government relationship with each tribe, which forms the heart of our federal Indian policy.
- The Department of Justice respects and supports tribes' authority to exercise their inherent sovereign powers, including powers over both their citizens and their territory.
- The Department of Justice promotes and pursues the objectives of the United Nations Declaration on the Rights of Indigenous Peoples.
- The Department of Justice is committed to tribal self-determination, tribal autonomy, tribal nation-building, and the long-term goal of maximizing tribal control over governmental institutions in tribal communities, because tribal problems generally are best addressed by tribal solutions, including solutions informed by tribal traditions and custom.

**Consultation and Communication With Tribes**

- The Department of Justice recognizes that its commitment to tribal

self-determination requires regular, meaningful, and informed consultation with American Indian and Alaska Native tribal officials when developing new or amended policies, regulations, and legislative actions initiated by the Department that may affect tribes, as detailed in the Department's Policy Statement on Tribal Consultation.

- The Department of Justice recognizes that—in addition to, but not in lieu of, formal consultation—there can be great benefit in timely, detailed, informal communications with tribal officials and other community leaders.
- The Department of Justice supports the Attorney General's Tribal Nations Leadership Council and other task forces and advisory groups that allow elected tribal representatives to provide direct input to the Department's leaders and components.

**Culture and Mutual Respect**

- The Department of Justice recognizes that each tribe's history and contemporary culture are unique, and that solutions that work for one tribe may not be suitable for others.
- The Department of Justice works to respectfully consider traditional tribal cultural practices and values, and is sensitive to the need for effective cross-cultural communication.
- The Department of Justice seeks to foster an internal Departmental culture, from top to bottom, that will encourage its officers and employees to identify and be responsive to the needs of tribes routinely, not merely as an afterthought.

**Law Enforcement and Litigation**

- The Department of Justice is committed to helping protect all Native Americans from violence, takes seriously its role in enforcing federal criminal laws that apply in Indian country, and recognizes that, absent the Department's action, some serious crimes might go unaddressed.
- The Department of Justice prioritizes helping protect Native American women and children from violence and exposure to violence, and works with tribes to hold perpetrators accountable, to protect victims, and to reduce the incidence of domestic violence, sexual assault, and child abuse and neglect in tribal communities.
- The Department of Justice is committed to protecting tribal treaty rights, tribal lands and natural resources, and tribal jurisdiction through litigation, where appropriate, and to handling litigation involving tribes in a manner that is mindful of the government-to-government relationship.
- The Department of Justice promotes the proper application of the Indian

Child Welfare Act of 1978 (ICWA), and seeks to protect tribes and Native American families from unwarranted removal of their children.

- The Department of Justice works to safeguard the civil rights of Native Americans by prosecuting hate crimes, protecting the right to vote, and otherwise helping ensure that Native Americans are free from illegal discrimination.

**Nation-Building and Tribal Justice Systems**

- The Department of Justice believes that stable funding at sufficient levels for essential tribal justice functions is critical to the long-term growth of tribal institutions.
- The Department of Justice seeks to increase tribes' flexibility to administer grant programs and thus design solutions appropriate to their communities, while ensuring strict accountability.
- The Department of Justice believes that pilot and demonstration projects that are available to state or local governments should be available to similarly situated tribal governments, and endeavors, where appropriate and practicable, to give serious consideration to locating projects in tribal communities.
- The Department of Justice is committed to fully implementing the Indian Civil Rights Act of 1968 (ICRA), the Tribal Law and Order Act of 2010 (TLOA), and the Violence Against Women Reauthorization Act of 2013 (VAWA), and believes that working with tribes to strengthen their justice systems, including indigent defense services, is critical to fulfilling the promise of these statutes.
- The Department of Justice supports tribes' efforts to build innovative approaches to law enforcement, public safety, and victim services, and, where appropriate, to evaluate those approaches by collecting empirical evidence and conducting scientific and statistical research.

**Coordination and Outreach**

- The Department of Justice, when working with other federal agencies on issues involving tribes, advocates respecting tribal self-determination, tribal autonomy, tribal nation-building, and the government-to-government relationship.
- The Department of Justice works to facilitate communication and build relationships among the federal agencies engaged with tribal governments and to promote the sharing of federal resources and expertise.

- The Department of Justice works to facilitate communication and build relationships between tribes and state, local, and private partners in law enforcement, public safety, victim services, and civil rights, to promote prosperous and resilient tribal communities, and to use dispute resolution techniques such as mediation to resolve community conflicts and tensions.

- The Department of Justice recognizes the link between healthy, prospering families and public safety, and the need to coordinate law enforcement efforts with educational, housing, environmental-protection, and public-health services.

### Sustainability

- The Department of Justice will continue taking steps to institutionalize its commitment to tribal justice and to make its officers and employees aware of these Attorney General Guidelines stating principles for working with federally recognized Indian tribes, so that progress in areas important to tribes continues regardless of changes in Department personnel.

These guidelines and principles are intended to improve the internal management of the Department of Justice. They are not intended to and do not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party in any matter, civil or criminal, against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person, nor do these guidelines or principles place any limitations on otherwise lawful litigative prerogatives of the Department of Justice. Please contact the Department's Office of Tribal Justice (OTJ) with any questions about these guidelines and principles.

Dated: December 3, 2014.

**Eric H. Holder, Jr.,**  
*Attorney General.*

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## DEPARTMENT OF JUSTICE

### Bureau of Alcohol, Tobacco, Firearms, and Explosives

[Docket No. ATF 2014R-50N]

#### Granting of Relief; Federal Firearms Privileges

**AGENCY:** Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice.

**ACTION:** Notice of granting of restoration of Federal firearms privileges.

**SUMMARY:** Northrop Grumman Systems Corporation (NGSC), a wholly owned subsidiary of Northrop Grumman Corporation (NGC), has been granted relief from the disabilities imposed by Federal laws by the Director of ATF with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms.

**FOR FURTHER INFORMATION CONTACT:** Shermaine Kenner, Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms and Explosives; U.S. Department of Justice; 99 New York Avenue NE., Washington, DC 20226; telephone (202) 648-7070.

**SUPPLEMENTARY INFORMATION:** The Attorney General is responsible for enforcing the provisions of the Gun Control Act of 1968 (GCA), 18 U.S.C. Chapter 44. He has delegated that responsibility to the Director of ATF, subject to the direction of the Attorney General and the Deputy Attorney General. 28 CFR 0.130(a). ATF has promulgated regulations that implement the provisions of the GCA in 27 CFR part 478.

Section 922(g) of the GCA prohibits certain persons from shipping or transporting any firearm in interstate or foreign commerce, or receiving any firearm which has been shipped or transported in interstate or foreign commerce, or possessing any firearm in or affecting commerce. These prohibitions apply to any person who—

- (1) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- (2) Is a fugitive from justice;
- (3) Is an unlawful user of or addicted to any controlled substance;
- (4) Has been adjudicated as a mental defective or committed to a mental institution;
- (5) Is an alien illegally or unlawfully in the United States or, with certain exceptions, aliens admitted to the United States under a nonimmigrant visa;
- (6) Has been discharged from the Armed Forces under dishonorable conditions;
- (7) Having been a citizen of the United States, has renounced U.S. citizenship;
- (8) Is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner; or

(9) Has been convicted in any court of a misdemeanor crime of domestic violence.

The term “person” is defined in section 921(a)(1) as including “any individual, corporation, company, association, firm, partnership, society, or joint stock company.” Section 925(c) of the GCA provides that a person who is prohibited from possessing, shipping, transporting, or receiving firearms or ammunition may make application to the Attorney General to remove the firearms disabilities imposed under section 922(g) “if it is established to his satisfaction that the circumstances regarding the disability, and the applicant’s record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest.” The Attorney General has delegated the authority to grant relief from firearms disabilities to the Director of ATF.

Section 925(c) further provides that “[w]henver the Attorney General grants relief to any person pursuant to this section he shall promptly publish in the **Federal Register** notice of such action, together with the reasons therefor.” Regulations implementing the provisions of section 925(c) are set forth in 27 CFR 478.144.

Since 1992, Congress has eliminated funding for ATF to investigate or act upon applications for relief from federal firearms disabilities submitted by individuals. However, since 1993, Congress has authorized funding for ATF to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities.

An application to ATF for relief from Federal firearms disabilities under 18 U.S.C. 925(c) was submitted by NGSC. In the matter under review, between 1993 and 2002, NGSC, a wholly owned subsidiary of NGC, merged with and succeeded the assets and business operations of three non-surviving entities that had been convicted in Federal court of crimes punishable by imprisonment for a term exceeding one year. Specifically, TRW Electronic Products, Inc. was convicted on September 25, 1987, in the United States District Court for the District of Colorado, Case No. 87 CR-250, for violations of 18 U.S.C. 2 and 1001. TRW, Inc. was convicted on August 25, 1988, in the United States District Court for the Northern District of Ohio for a violation of 18 U.S.C. 371. Litton Applied Technology Division was convicted on June 30, 1999, in the United States District Court for the