



U. S. Department of Housing and Urban Development Plan of Actions to Implement Executive Order 13175

Purpose: On January 26, 2021, President Biden issued a Memorandum to the Heads of Executive Departments and Agencies on Tribal Consultation and Strengthening Nation-to-Nation Relationships. The Memorandum directs each Agency to ensure that “Tribal sovereignty and self-governance, commitment to fulfilling Federal trust and treaty responsibilities to Tribal Nations, and regular, meaningful, and robust consultation with Tribal Nations are the cornerstones of Federal Indian policy.” Furthermore, the Memorandum requires each Agency to draft a detailed plan of actions the Agency will take to implement the policies and directives of Executive Order 13175. This plan is due April 26, 2021.

The President’s Memorandum refers to Executive Order (E.O.) 13175, “Consultation and Coordination with Indian Tribal Governments”, which was signed on November 6, 2000, by President Clinton. To ensure complete and consistent implementation of E.O. 13175, the President’s Memorandum directed all Agencies to follow its provisions as they develop their Tribal consultation policies.

On November 9, 2009, President Obama issued a similar Memorandum and ONAP hosted six regional consultation sessions across the country to get feedback on HUD’s Tribal consultation policy. As a result of Tribal feedback, HUD published its Final Tribal Consultation Policy in the Federal Register on April 18, 2015. HUD’s current [Tribal consultation policy](#) was published on April 4, 2016.

Guiding Principles: The U.S. Department of Housing and Urban Development (HUD) understands that the Federal Government has a duty to fulfill its treaty and trust responsibilities. Conducting regular, meaningful, and robust Tribal consultation is essential for policy development and program delivery to Tribal communities. HUD will use the following guiding principles to strengthen Nation-to-Nation relations and improve HUD-wide Tribal consultation:

(a) The United States has a unique legal relationship with Indian tribal governments as set forth in the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions. Since the formation of the Union, the United States has recognized Indian tribes as domestic dependent nations under its protection. The Federal Government has enacted numerous statutes and promulgated numerous regulations that establish and define a Federal Trust relationship with Tribes.

(b) Our Nation, under the law of the United States, in accordance with treaties, statutes, Executive Orders, and judicial decisions, has recognized the right of American Indian and Alaska Native tribes to be self-governing. As domestic dependent nations, Indian tribes exercise inherent sovereign powers over their members and territory. The United States continues to work with Tribes on a government-to-government basis to address issues concerning Indian Tribal self-government, Tribal trust resources, and Tribal treaty and other rights.

(c) The United States recognizes the right of Tribes to self-government and supports Tribal sovereignty and self-determination.

(d) All communication with Tribes must be clear, consistent, and transparent.

(e) HUD will prioritize regular, meaningful, and robust Tribal consultation.

HUD's primary points of contact are the Assistant Secretary for Public and Indian Housing and the Deputy Assistant Secretary for Native American Programs. Email: TribalConsultationPolicy@hud.gov.

Plan of Actions: To achieve these objectives, HUD adopted a three-phased approach. In Phase I, HUD outlines the steps it took to develop its plan of actions. In Phase II, HUD describes the recommendations Tribes provided and HUD's planned actions. In Phase III, HUD communicates how monitoring of the actions will occur.

PHASE I

The following are steps HUD took in preparation for the development of its plan of actions.

HUD's Deputy Assistant Secretary for Native American Programs convened a meeting with senior representatives from other offices within HUD. Information was shared, advice was sought, and the Office of Native American Programs (ONAP) was identified as the lead office within HUD for this task.

As part of the comprehensive action plan, HUD created a dedicated mailbox to receive comments from Tribal governments, Tribal officials, and the public (TribalConsultationPolicy@hud.gov). All comments received will be posted on HUD's CodeTalk website (<http://www.hud.gov/offices/pih/ih/codetalk/>), which is accessible to the public.

HUD hosted two national Tribal consultation sessions, which were facilitated by senior HUD officials, including Secretary Marcia Fudge, HUD Chief of Staff, Jenn Jones, and Deputy Assistant Secretary, Heidi Frechette. These consultations took place on the following dates and times:

Thursday, February 25, 2021, 1:00 - 3:00 PM EST

Number of participants: 154

Wednesday, March 31, 2021, 1:00 - 3:00 PM EDT

Number of participants: 178

Prior to each Tribal consultation session, HUD issued Dear Tribal Leader (DTL) letters to all Tribes and Tribally Designated Housing Entities (TDHEs) to announce the meetings. The DTL letters included the President's Memorandum, E.O. 13175, HUD's current Tribal consultation policy, and a list of questions designed to prompt discussion and focus on the issues. Follow-up reminders were provided by each Area ONAP. At all sessions, participants were informed that the electronic mailbox had been established to receive their comments. To date, HUD has received over 100 unique comments from 40 different Tribes and TDHEs. HUD has carefully reviewed all of comments and will continue to do so as they are received.

PHASE II

Listed below are the themes provided by Tribes and the actions that HUD will take to integrate recommended changes into policy and procedures.

- Develop a standing Tribal advisory committee
- Create a one-stop shop webpage for Tribal consultation
- Host an annual HUD-wide Tribal consultation

- Assign a political staff member as a point of contact for Tribal consultation
- Require a “Working with Tribal Governments” training for all HUD staff
- Implement Indian preference for hiring HUD staff
- Consult with Tribes on eliminating duplicative environmental requirements
- Other themes included: broadband, policy, training, and technology

Planned Actions:

1. **CodeTalk Website:** HUD will update the HUD Tribal consultation webpage to ensure that it reflects HUD-wide updates on Tribal consultation and serves as a “one-stop shop” for Tribes.
2. **Tribal Intergovernmental Advisory Council (TIAC):** HUD will explore options for establishing a TIAC to help provide consistent and meaningful advice to HUD on programs and policy.
3. **National HUD Tribal Consultation:** HUD will host an annual HUD-wide Tribal consultation that will include representatives from HUD senior leadership across program offices.
4. **Staff Training:** HUD will explore options for providing all HUD staff with cultural sensitivity, government-to-government relations, and Tribal history trainings.
5. **HUD Point of Contact:** The Assistant Secretary of Public and Indian Housing and the Deputy Assistant Secretary for Native American Programs will serve as HUD’s senior points of contact for Tribal consultation.
6. **Streamlining Environmental Barriers:** HUD will continue to convene and report on the work of the Tribal Housing and Related Infrastructure Interagency Task Force charged with coordinating and streamlining environmental requirements amongst various Federal agencies that fund Tribal projects.
7. **Communication:** HUD will maintain consistent and clear communication through multiple formats including Dear Tribal Leader letters, email updates, website updates, social media, guidance, webinars, and regular meetings with Tribal housing industry leaders.
8. **HUD Collaboration:** HUD will explore opportunities to further support Tribal communities through collaborating with program offices throughout HUD.

PHASE III

HUD will implement all actions listed above and take the following steps to evaluate progress annually.

- HUD will establish an ongoing evaluation process to ensure effective and consistent implementation of the plan of actions.
- HUD will continue to monitor its intra-agency coordination and collaboration efforts to ensure effective and consistent implementation of the policy throughout HUD.
- HUD will seek interagency collaboration with appropriate partners on similar policy objectives.
- HUD will provide a detailed TIAC update periodically as progress is made towards forming the TIAC is made.
- HUD will submit progress reports annually to OMB and identify new opportunities for continued improvement.