



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING

April 26, 2021

Acting Director Shalanda Young
Office of Management and Budget
725 17th St NW, Washington, DC 20503

Dear Acting Director Young:

I am pleased to transmit to you the U.S. Department of Housing and Urban Development's (HUD) Tribal Consultation Plan of Actions. In accordance with President Biden's January 26th memorandum and pursuant to Executive Order 13175, HUD has developed the attached Plan of Actions after conducting formal Tribal consultations and reviewing all provided information.

The plan details the steps HUD will take to strengthen Nation-to-Nation relationships and bolster Tribal consultation across the agency. HUD looks forward to working closely with the Office of Management and Budget and our Tribal partners to implement the plan of actions and further address housing needs in Tribal communities. Please let me know if I can be of further assistance.

Sincerely,

A handwritten signature in blue ink that reads "Heidi J. Frechette".

Heidi J. Frechette
Deputy Assistant Secretary
for Native American Programs

Enclosure



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 states that it is an Administration priority “to make respect for 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 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 to the Office of Management and Budget by 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.

Note: On November 5, 2009, President Obama issued a similar Memorandum. ONAP hosted six regional consultation sessions across the country to get feedback on HUD’s existing Tribal consultation policy. As a result of Tribal feedback, HUD published a draft revised Tribal Consultation Policy in the [Federal Register](#) on April 8, 2015 for public comment. After considering public comments, HUD published its final [Tribal consultation policy](#) on April 4, 2016, which remains in effect. The actions included in this plan are designed to further strengthen that policy.

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 is also committed to ensuring that, in the administration of all HUD Native American programs, HUD will proactively work to maximize Tribes' administration discretion, encourage Tribes to develop their own policies that are tailored to address local housing needs, and defer to Tribes to establish programs and standards, as appropriate.

HUD's primary point of contact is HUD's Secretary or the Secretary's designee. Email: TribalConsultationPolicy@hud.gov.

Plan of Actions: To fulfill the objectives of Executive Order 13175 and President Biden's Memorandum, HUD has adopted a three-phased approach. In Phase I, HUD outlines the steps taken to develop its plan of actions. In Phase II, HUD describes the recommendations Tribes provided and HUD's planned actions. In Phase III, HUD will communicate 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 of 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 (www.hud.gov/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, and HUD's CodeTalk website would be used to display all comments received. To date, HUD has received over 100 unique comments from 40 different Tribes and TDHEs. HUD carefully reviewed and considered all provided comments while developing the actions listed below.

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. **HUD Point of Contact:** The Secretary or the Secretary's designee will serve as HUD's senior point of contact for Tribal consultation.
2. **Tribal Intergovernmental Advisory Council (TIAC):** HUD will closely examine options for establishing a TIAC to provide consistent, meaningful, and robust consultation on programs and policy.
3. **Tribal Consultation Policy:** HUD will consider and/or make changes to the agency's Tribal consultation policy when appropriate.
4. **National HUD Tribal Consultation:** HUD will host an annual HUD-wide Tribal consultation that will include representatives from HUD Senior Leadership across program offices.
5. **Staff Training:** HUD will explore options for providing all HUD staff with cultural sensitivity, government-to-government relations, and history of federal Indian policy trainings.
6. **Communication:** HUD will maintain consistent and clear communication through multiple formats including Dear Tribal Leader letters, Tribal consultation updates, email updates, website updates, social media, guidance, webinars, and consistent meeting with Tribal housing industry leaders.
7. **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.
8. **Streamlining Environmental Barriers:** HUD will continue to convene and report on environmental activities for the Tribal Housing and Related Infrastructure Interagency Task Force (THRIITF).
9. **HUD Collaboration:** HUD will explore opportunities to further support Tribal communities by collaborating with HUD program offices and with other Federal agencies.
10. **Resources:** HUD recognizes the need for sufficient resources to implement the plan of actions and will work to identify the need for additional resources as necessary, in consultation with OMB.

PHASE III

HUD's Secretary or their designee will implement all actions listed above and take the following steps to evaluate progress annually:

- HUD Secretary or the Secretary's designee will establish an ongoing evaluation process to ensure effective and consistent implementation of the plan of actions.
- As described in Executive Order 13175, when transmitting any draft final regulation that has Tribal implications to OMB, HUD Secretary or the Secretary's designee will include a certification stating that the requirements of Executive Order 13175 have been met in a meaningful and timely manner.
- HUD Secretary or the Secretary's designee will continue to monitor its intra-agency coordination and collaboration efforts to ensure effective and consistent implementation of the policy throughout HUD.
- HUD Secretary or the Secretary's designee will seek interagency collaboration with appropriate partners on similar policy objectives.
- HUD Secretary or the Secretary's designee will submit progress reports annually to OMB and identify new opportunities for continued improvement.