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TRIBAL CLIENT ALERT

TO: TRIBAL LEADERS
FROM: BIG FIRE LAW & POLICY GROUP LLP
DATE: MARCH 5, 2021
RE: CONSULTATION EXECUTIVE ORDER AND SCHEDULE

On January 26, 2021 President Joe Biden signed an Executive Order affirming his commitment to tribal consultations and seeking to improve the tribal consultation process. A number of federal departments have set up tribal consultations to carry out the Executive Order. Please find this update on the Executive Order and tribal consultations scheduled for March.

I. Executive Order

President Biden's executive order titled, *Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships* pledges to continue the tribal consultation process originally implemented by President Bill Clinton in 2000. The Executive Order requires:

- The head of each agency to submit to the Director of the Office of Management and Budget (OMB) a detailed plan to implement tribal consultations within 90 days, and requires agencies to consult with tribes as part of developing the plan.
- The head of each agency to submit to the OMB a progress report on its proposed plan within 270 days, and then yearly after that.
- The Director of OMB to submit to the President a progress report on each within a year.

As a result of the Executive Order, several agencies have scheduled tribal consultations to develop a plan on how to conduct and improve the consultation process. Most notably, the Department of the Interior, the Department of Agriculture ("USDA"), and the Department of Health and Human Services ("HHS") have scheduled an initial round of consultations in March.

President Biden's Executive Order can be read [here](#).

II. Department of the Interior

The Department of the Interior has scheduled four consultations throughout March, divided by region. The consultations seek input from tribes and tribal leaders on:

- Suggestions for federal policy
- Identifying best practices to improve consultations and fortify relationships with tribal governments.

The Department of the Interior has provided specific questions to tribal leaders to guide the consultation process, which can be found [here](#).

The Tribal Leader Letter for the consultation can be found [here](#).

Comments for this consultation are due by 12 p.m. ET on March 19, 2021. Comments can be submitted to consultation@bia.gov.

Questions related to this consultations should be sent to Elizabeth Appel at elizabeth.appel@bia.gov or (202) 738-6065.

The four consultations being held are:

Improving Interior’s Consultation with Tribes: Consultation with Tribes in Great Plains, Midwest and Rocky Mountain Regions.

March 08, 2021

2:00 PM Eastern / 1:00 PM Central/ 12:00 PM Mountain

11:00 AM Pacific / 10:00 AM Alaska

Participant Call-In:

(888)-843-9206

Passcode:

9530360

Improving Interior’s Consultation with Tribes: Consultation with Tribes in Eastern, Eastern Oklahoma and Southern Plains Regions

March 10, 2021

10:00 AM Eastern / 9:00 AM Central/ 8:00 AM Mountain

7:00 AM Pacific / 6:00 AM Alaska

Participant Call-In:

(877)-601-4492

Passcode:

3173996

Improving Interior’s Consultation with Tribes: Consultation with Tribes in Navajo, Southwest and Western Regions

March 10, 2021

2:00 PM Eastern / 1:00 PM Central/ 12:00 PM Mountain

11:00 AM Pacific / 10:00 AM Alaska

Participant Call-In:

(800)-857-9872

Passcode:

3906969

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Improving Interior's Consultation with Tribes: Consultation with Tribes in Alaska, Northwest, and Pacific Regions

March 12, 2021

2:00 PM Eastern / 1:00 PM Central/ 12:00 PM Mountain
11:00 AM Pacific / 10:00 AM Alaska

Participant Call-In:
(877)-601-4492
Passcode:
3173996

III. Department of Agriculture

The USDA will be holding two back to back consultations in March that will cover the same two topics in each session. The first topic is President Biden's executive order on Tribal Consultations. The second topic is how USDA can advance racial equity and support for underserved communities.

Consultation #1

Date: Tuesday, March 9, 2021

Time: 11:30 AM ET USDA Introduction

12:00-2:00 PM ET Tribal Caucus (hosted by NCAI, IAC, and IFAI)

2:00-5:30 PM ET Tribal Consultation

Register [Here](#) by March 5, 2021

Consultation #2

Date: Thursday, March 11, 2021

Time: 11:30 AM ET USDA Introduction

12:00-2:00 PM ET Tribal Caucus (hosted by NCAI, IAC, and IFAI)

2:00-5:30 PM ET Tribal Consultation

Register [Here](#) by March 5, 2021

The executive order on advancing racial equity and support for underserved communities can be found [here](#).

IV. Department of Health and Human Services

HHS is holding several tribal consultations, divided by region, throughout March to meet the requirements of the Executive Order. Specifically, HHS would like to address the following questions:

- How do we strengthen our Tribal Consultation Policy and Process across the Department to ensure all operating and staff divisions are responsive and engaging with Indian Country in a meaningful way?

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- How do we improve our communication and outreach regarding policy or program changes at the Department that impact Indian Tribes? Are there specific areas where Tribal officials would like more information or feel they are not getting adequate outreach to engage in a meaningful way?
- How do we improve our annual regional Tribal Consultations? Should we continue to have sessions every year, or should we host national sessions?
- What comments or concerns do you have that will help us improve HHS Tribal Consultation Policy?

Written comments for the HHS consultations can be submitted to consultation@hhs.gov. Comments are due **March 26, 2021**.

The HHS Consultation schedule is:

Consultation for Regions 1, 2, 3, 4

Monday March 22, 2021

10:00 AM Eastern / 9:00 AM Central/ 8:00 AM Mountain
7:00 AM Pacific / 6:00 AM Alaska

You can attend the consultation [here](#)

Consultation for Region 5

Monday March 22, 2021

2:00 PM Eastern / 1:00 PM Central/ 12:00 PM Mountain
11:00 AM Pacific / 10:00 AM Alaska

You can attend the consultation [here](#)

Consultation for Region 7&8

Tuesday March 23, 2021

2:00 PM Eastern / 1:00 PM Central/ 12:00 PM Mountain
11:00 AM Pacific / 10:00 AM Alaska

You can attend the consultation [here](#)

Consultation for Region 6

Wednesday, March 24, 2021

10:00 AM Eastern / 9:00 AM Central/ 8:00 AM Mountain
7:00 AM Pacific / 6:00 AM Alaska

You can attend the consultation [here](#)

Consultation for Region 9

Wednesday March 24, 2021

2:00 PM Eastern / 1:00 PM Central/ 12:00 PM Mountain
11:00 AM Pacific / 10:00 AM Alaska

You can attend the consultation [here](#)

Consultation for Region 10

Thursday March 25, 2021

2:00 PM Eastern / 1:00 PM Central/ 12:00 PM Mountain

11:00 AM Pacific / 10:00 AM Alaska

You can attend the consultation [here](#).

If you have any questions related to the Executive Order, the consultations or would like assistance drafting and submitting comments to Interior, USDA or HHS, please contact your Big Fire Attorney:

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About Big Fire Law & Policy Group, LLP

Big Fire Law & Policy Group is a 100% Native owned and majority woman owned national law firm providing legal representation and advocacy in a broad range of service areas, with an emphasis in tribal law and federal Indian law.