



## U.S. Department of Labor Plan of Action to Implement President Biden's Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships

### I. Introduction and Background

On December 4, 2012, the Department of Labor (DOL or Department) issued a revised [Tribal Consultation Policy](#), crafted in collaboration and consultation with tribal nations and stakeholders. The policy details the Department's commitment to consult with tribal nations and tribal officials and includes feedback on the proposed policy, published in the Federal Register on April 18, 2012.<sup>1</sup>

On January 26, 2021, President Biden issued a [Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships](#). This memorandum directs federal agencies to submit a "detailed plan of action" to implement the policies and directives of [Executive Order 13175](#), signed November 5, 2009, which calls for "regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes."<sup>2</sup>

On April 14, 2021, in response to President Biden's Memorandum, the Department hosted a Tribal Consultation, in partnership with the U.S. Equal Employment Opportunity Commission (EEOC), to seek input and obtain recommendations to improve DOL's 2012 Tribal Consultation Policy. This document describes DOL's efforts since the Presidential Memorandum, and its plan of action going forward. DOL remains committed to the government-to-government relationship and working with tribal nations on its programs with tribal implications in a manner that respects tribal self-government and sovereignty, honors tribal treaty and other rights, and meets the Federal Government's tribal trust responsibilities.

### II. DOL's Response to President Biden's Tribal Consultation Memorandum

In March, 2021, DOL senior leadership identified the Office of Congressional and Intergovernmental Affairs (OCIA) as the optimal office to lead the Department's tribal consultation efforts. Shortly thereafter, OCIA worked to convene points of contact within each agency and revisit the existing tribal consultation policies, procedures, practices. With input from agency staff, interagency partners, and tribal stakeholders, DOL distributed a consultation announcement to tribal nations requesting input on the following questions:

---

<sup>1</sup> <https://www.govinfo.gov/content/pkg/FR-2012-04-18/pdf/2012-9372.pdf>

<sup>2</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-on-tribal-consultation-and-strengthening-nation-to-nation-relationships/>

1. How can DOL update and strengthen its 2012 Tribal Consultation Policy? How can DOL improve how it conducts tribal outreach on programs and policies impacting tribal nations?
2. Are there specific DOL policies, programs, or activities that need to be better communicated? Are there any DOL issues on which tribal organizations would like to be more informed?
3. Should DOL implement regular meetings and/or adjust how it collects feedback on policymaking impacting tribal nations?
4. How can we improve DOL's process for tribal consultation?

The Department directed tribal nations to an electronic mailbox ([TribalConsultation@dol.gov](mailto:TribalConsultation@dol.gov)), a dedicated resource created for tribal nations to communicate with DOL and submit feedback. Approximately 65 tribal leaders and representatives joined the April 14<sup>th</sup> consultation and multiple leaders provided meaningful feedback. To-date, DOL has also received several comments via electronic submission and will continue to review comments as they are received. Tribal leaders provided valuable recommendations for improvement, including, but not limited to:

1. Streamline consultation policies and practices across the Federal government, so as to avoid duplication of efforts.
2. Streamline and formalize the notice and comment period, timeline, and process for consultations.
3. Train and educate departmental staff on the consultation process, history of tribal nations, and the unique government-to-governmental relationship that exists between tribal nations and the Federal government.
4. Allocate sufficient resources to fulfill consultation obligations.
5. Institute regular engagement between tribal officials and senior departmental leadership.
6. Establish and engage with a Tribal Advisory Committee.
7. Provide enhanced technical assistance and guidance around the implementation of workforce development programs.
8. Maintain consistent communication on proposed programs, regulations, and/or legislation to allow for tribal input.
9. Institute mechanisms for tribal consultation policy violations.

Feedback from the consultation and electronic submission are incorporated into DOL's plan of action.

### **III. DOL's Plan of Action**

The Department looks forward to continuous improvement of the nation-to-nation relationship. Specifically, DOL will:

1. Continue to review the 2012 DOL Tribal Consultation Policy and update the policy to reflect the existing plan of action, in accordance with the responsibilities described in Executive Order 13175 and President Biden's Memorandum on Tribal Consultation.

2. Continue to convene internal DOL leadership to identify existing policies, programs, and practices with tribal implications, and effectively implement its consultation responsibilities.
3. Continue to review and consider all feedback provided by tribal nations and stakeholders.
4. Explore options to hire a dedicated tribal liaison within the Office of Congressional and Intergovernmental Affairs to support the implementation of the plan and preparation of progress reports required by the memorandum.
5. Explore the creation of a central DOL webpage that contains all relevant tribal information and clear direction on how tribes may engage with DOL and its agencies.
6. Continue to assess the format and frequency of consistent engagement with tribal nations across all DOL agencies.
7. Ensure tribal nations receive information about all relevant funding opportunities when announced.
8. Commit to ensuring tribal nations receive timely notice and updates in order to comment on DOL proposals and regulations.
9. Explore options for providing all DOL staff with training on tribal history and cultural sensitivity.
10. Continue to identify intra-agency coordination and collaboration opportunities to streamline the implementation of the Presidential Memorandum, in a manner that is beneficial to tribal nations.

DOL will ensure that within 270 days of the date of the Presidential Memorandum, and annually thereafter, it submits progress reports to the Director of OMB on the status of actions included in this plan.