

**Office of Science and Technology Policy Plan to Develop a Tribal Consultation and
Coordination Policy Implementing Executive Order 13175**

Purpose: President Obama’s Memorandum on Tribal Consultation (“Presidential Memorandum”), signed November 5, 2009, specifies that tribal consultation “a critical ingredient of a sound a productive Federal-tribal relationship.” The Presidential Memorandum directs all Federal agencies to develop a detailed plan of the actions they will take to fully implement President Clinton’s Executive Order 13175 on “Consultation and Coordination with Indian Tribal Governments” within 90 days, and to provide a progress report on implementation and any updates to the plan within 270 days, and annually thereafter. Executive Order 13175 sets forth criteria “to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications.”

The Office of Science and Technology Policy embraces this responsibility and the principles of tribal sovereignty and Indian self-determination. OSTP is committed to developing a comprehensive consultation and coordination policy with tribes that is predicated on robust tribal input.

The following report outlines OSTP’s plan of actions for developing a consultation and coordination policy (“consultation policy”) that implements Executive Order 13175 and identifies other ways in which OSTP shall ensure ongoing and effective communication and coordination with tribes.

Guiding Principles: OSTP is committed to developing a comprehensive consultation policy with tribes. In developing such a policy, OSTP’s efforts will be guided by three principles:

- Engaging with tribal nations on a government-to-government basis.
- Promoting tribal sovereignty and Indian self-determination.
- Improving communication and coordination with our tribal partners.

Narrative: On January 12 and 14, 2010, OSTP attended Department of the Interior tribal consultation sessions via teleconference, along with other components of the Executive Office of the President. During these sessions, tribes expressed frustration with the current processes for providing input on Federal programs. Tribes also expressed concern that they were not receiving responsive feedback from the Federal government in a timely manner. The insights shared during the January 2010 sessions will inform OSTP’s efforts to improve communication with tribes and develop a consultation policy. Web-based technology, telephone calls, letters, email, and face-to-face meetings will be used for these consultations.

Plan of Actions: OSTP plans to develop its consultation policy through the following actions:

- **Identifying Policies with Tribal Implications.** OSTP will review its policies and functions to identify “policies that have tribal implications,” including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.
- **Review of Consultation Policies.** OSTP will review the consultation policies of other Executive Office of the President components for adherence to Executive Order 13175 to identify OSTP’s draft policies gaps and opportunities for improvement, and to create consistency within the Executive Office of the President.
- **Federal Register Publication.** OSTP will publish a draft consultation policy in the Federal Register and provide an opportunity for comments with timelines.
- **Tribal Review of Draft.** OSTP will ask tribes and tribal organizations to review the draft consultation policy and provide comments and recommendations.
- **Final Publication.** Following the close of the comment period on the draft consultation policy, OSTP will issue a final policy. The final consultation policy will be published in the Federal Register and posted on the OSTP website.
- **Progress Report Submission.** OSTP will submit a progress report to OMB on the status of its consultation policy plan within 270 days of the Presidential Memorandum, or August 2, 2010.
- **Annual Progress Reports.** OSTP will submit annual progress reports to OMB on an ongoing basis and evaluate additional ways to ensure effective and consistent consultation and coordination with tribes.

OSTP Point of Contact. OSTP designates its General Counsel as the point of contact for tribal consultation. Phone: (202) 456-7116. Email: info@ostp.gov

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