Memorandum on Tribal Consultation
November 5, 2009

Memorandum for the Heads of Executive Departments and Agencies

Subject: Tribal Consultation

The United States has a unique legal and political relationship with Indian tribal
governments, established through and confirmed by the Constitution of the United States,
treaties, statutes, executive orders, and judicial decisions. In recognition of that special
relationship, pursuant to Executive Order 13175 of November 6, 2000, executive departments
and agencies (agencies) are charged with engaging in regular and meaningful consultation and
collaboration with tribal officials in the development of Federal policies that have tribal
implications, and are responsible for strengthening the government-to-government relationship
between the United States and Indian tribes.

History has shown that failure to include the voices of tribal officials in formulating policy
affecting their communities has all too often led to undesirable and, at times, devastating and
tragic results. By contrast, meaningful dialogue between Federal officials and tribal officials has
greatly improved Federal policy toward Indian tribes. Consultation is a critical ingredient of a
sound and productive Federal-tribal relationship.

My Administration is committed to regular and meaningful consultation and collaboration
with tribal officials in policy decisions that have tribal implications including, as an initial step,
through complete and consistent implementation of Executive Order 13175. Accordingly, I
hereby direct each agency head to submit to the Director of the Office of Management and
Budget (OMB), within 90 days after the date of this memorandum, a detailed plan of actions
the agency will take to implement the policies and directives of Executive Order 13175. This
plan shall be developed after consultation by the agency with Indian tribes and tribal officials as
defined in Executive Order 13175. I also direct each agency head to submit to the Director of
the OMB, within 270 days after the date of this memorandum, and annually thereafter, a
progress report on the status of each action included in its plan together with any proposed
updates to its plan.

Each agency's plan and subsequent reports shall designate an appropriate official to
coordinate implementation of the plan and preparation of progress reports required by this
memorandum. The Assistant to the President for Domestic Policy and the Director of the
OMB shall review agency plans and subsequent reports for consistency with the policies and
directives of Executive Order 13175.

In addition, the Director of the OMB, in coordination with the Assistant to the President
for Domestic Policy, shall submit to me, within 1 year from the date of this memorandum, a
report on the implementation of Executive Order 13175 across the executive branch based on
the review of agency plans and progress reports. Recommendations for improving the plans
and making the tribal consultation process more effective, if any, should be included in this
report.

The terms "Indian tribe," "tribal officials," and "policies that have tribal implications" as
used in this memorandum are as defined in Executive Order 13175.
The Director of the OMB is hereby authorized and directed to publish this memorandum in the Federal Register.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. Executive departments and agencies shall carry out the provisions of this memorandum to the extent permitted by law and consistent with their statutory and regulatory authorities and their enforcement mechanisms.

BARACK OBAMA

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NOTE: This memorandum was published in the Federal Register on November 9.

Categories: Communications to Federal Agencies: Tribal consultation, memorandum.


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