



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Administrative Conference of the U.S. Tribal Consultation Plan of Action

[Last Updated: September 2022]

This plan implements President Biden’s January 26, 2021 “Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships.” That Memorandum directed each executive department and agency to develop a detailed plan of action to implement the policies and directives of Executive Order (E.O.) 13175, “Consultation and Coordination with Indian Tribal Governments,” signed by President Clinton on November 6, 2000. That E.O. directs agencies to “establish 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....” The Administrative Conference of the U.S. (ACUS) is committed to the principles of these directives.

Opportunities for tribal engagement are infrequent because of ACUS’s unique mission and its statutory authority. ACUS does not have enforcement, grant-making, or regulatory authority; nor does it administer benefits or provide services directly to the public. The agency mainly provides recommendations to other federal entities (primarily other federal agencies, but also to the federal courts, Congress, and the President) on improving federal administrative procedures generally. The agency does not engage in any substantive policymaking.

That said, there may be occasions in the future, as there have been in the past, when consultation with Indian tribes will be appropriate and advisable to carry out the important initiative reflected in the President’s Memorandum. *See, e.g.*, ADMIN. CONF. OF THE U.S., *Reform of 28 U.S.C. § 1500*, <https://www.acus.gov/research-projects/reform-28-usc-%C2%A7-1500> (reflecting consultation with Indian tribes in the formulation of recommendation relating to reform of a statutory jurisdictional provision that adversely affected federal-court access for some Indian tribes). The agency plans to continue, and welcomes the opportunity, to engage in such consultation.

Designated ACUS Official

The President’s January 26, 2021, Memorandum directs that each agency’s plan “shall designate an appropriate official to coordinate implementation of the plan.” ACUS now co-designates its general counsel, Ms. Shawne McGibbon (smcgibbon@acus.gov), and its acting director of public and interagency programs, Mr. Todd Rubin (trubin@acus.gov), as the officials with primary responsibility for implementation of ACUS’s plan of action.

ACUS Plan of Action

First, ACUS will continue, and welcomes the opportunity, to conduct outreach to tribes and tribal nations in its day-to-day work when appropriate in formulating recommendations and carrying out its other statutory functions.

Second, in any outreach intended for the general public, ACUS will extend that outreach (e.g., sending targeted notifications) to include tribal governments when appropriate. ACUS will also consult with other governments agencies—including the Department of Justice’s Office of Tribal Justice, which with which it has consulted in the past—for guidance about such outreach.

Finally, moving forward, ACUS will continue to screen its policies to determine if they implicate tribal interests, and if so, make appropriate changes.

Next Steps

Pursuant to the President’s January 26, 2021 Memorandum, ACUS will provide a progress report on its implementation of the actions in this plan by the end of September in each calendar year.