



U.S. General Services Administration

# GSA Tribal Consultation Action Plan

**Last Updated October 5, 2021**

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## **Purpose:**

This Plan of Action responds to the January 26, 2021 memorandum issued by President Biden to all executive departments and agencies on Tribal Consultation and Strengthening Nation-To-Nation Relationships to develop a detailed plan of action for compliance with Executive Order (EO) 13175. This memorandum reaffirms the unique legal and political relationship the United States Federal Government (Federal Government) has with Indian Tribal governments and recognizes Tribes' rights of self-determination, self-government, and Tribal sovereignty, as outlined in EO 13175. Moreover, the memorandum directs all Federal Agencies to reexamine their current Tribal consultation policies with a renewed commitment to "engaging in regular, meaningful, and robust consultation with Tribal officials in the development of Federal policies that have Tribal implications."

This Plan of Action details the principles and actions GSA will follow to strengthen the government-to-government relationship with Tribes. GSA's end goal centers on implementing an improved Administration-wide Tribal consultation policy that complies with EO 13175 by fostering meaningful, collaborative, ongoing consultation with Tribal officials on GSA policies, programs, and projects that hold Tribal implications.

## **Guiding Principles:**

1. GSA's Tribal consultation policy serves as the foundation for GSA's engagement with Tribes, including Tribal consultation. This GSA policy establishes a framework for enhancing the nation-to-nation relationship and recognizing and committing to the government-to-government relationship with Indian Tribes.
2. GSA honors Tribal sovereignty and recognizes the unique relationship with Tribes. GSA commits to working with Tribes to address issues concerning Tribal self-government, Tribal trust resources, and Tribal treaty and other rights.
3. GSA commits to an inclusive and collaborative Tribal consultation process. GSA will provide Tribes sufficient time to submit input on actions that have Tribal implications.
4. GSA will identify Federal partners with similar policy objectives to reduce redundancy and streamline efforts on Tribal consultation, thereby lessening burdens on Tribes.
5. GSA will be guided by these policy principles in its planning and management activities and ongoing process development for all programs affecting Tribal interests.

## **Tribal Input to Action Plan:**

Following the issuance of the Presidential Memorandum, GSA hosted a national Tribal meeting on April 13, 2021, led by senior GSA officials, including the Acting Administrator Katy Kale, the Acting Public Buildings Service Commissioner Allison Azevedo, the Federal Acquisition Service Commissioner Sonny Hashmi, and Senior Advisor to the Administrator Josh Sawislak. GSA leadership committed to meeting the spirit and letter of the memorandum,

provided a broad overview of GSA's services, shared examples of GSA's engagement with Tribes, and solicited feedback from Tribal participants.

Common themes emerged from this initial outreach that will be discussed through the consultation process:

- Tribal consultations are effective when approached meaningfully and conducted regularly, with the recommendation of annual meetings at a minimum.
- Outreach and consultations should be planned with sufficient lead time (usually 30 calendar days) to allow Tribes to better anticipate, prepare, participate, and respond.
- GSA policies should provide Tribes better access to GSA services.
- GSA programs should consider logistical and scheduling challenges of Tribes, especially remote Tribes.
- GSA should meet Tribes where they are and increase involvement and participation in inter-Tribal events.
- GSA should address inconsistencies in the acquisition process with Tribal governments.
- GSA should establish a good dialogue with Tribes on property disposals with Tribal implications.
- A Federal Governmentwide Tribal consultation policy would help Tribes that span states and areas covered by Federal agency regional divisions.
- Consultations should be meaningful and conducted prior to decision making. ● All feedback from Tribal consultations should be shared among Tribal leaders.
- Ensure training of all GSA staff on Tribal consultation policies and engaging with Tribal governments.
- Within GSA's service lines, consider options for engagement with Tribes which have technology issues and are interested in GSA IT services.
- Federal acquisition policy is a part of Federal Indian policy and it is an important responsibility.
- GSA should streamline and formalize Tribal communication.
- Assign a GSA staff point of contact for Tribal consultation who is also a subject matter expert on GSA services.

**Action Items:**

1. **GSA Tribal Relations Policy:** GSA is here updating and reissuing GSA's policy covering agency interactions with American Indian and Alaskan Native Tribal Governments. This policy covers issues such as Tribal consultation on general and project-specific issues, Tribal access to GSA's sources of supply and other contracts, and access to the Federal marketplace for Tribal companies. The updated policy was created with the Tribes' input from our prior consultation.
2. **GSA Point of Contact:** GSA will appoint a Designated Official as a point of contact for Tribes and for the implementation of this plan and GSA's Tribal consultation policy. The Designated Official will advise and make recommendations to the GSA Administrator and senior agency staff on GSA policies, issues, programs, and activities with Tribal implications.
3. **Communication:** GSA will maintain clear and consistent contact with Tribes, utilizing a variety of forums including webinar meetings, email exchanges, website notification, and formal letters between GSA leadership and Tribal leadership.
4. **Streamlining Consultation:** GSA will work internally and with Federal partners to collaborate on Tribal consultation efforts to reduce redundancy and the administrative burden on Tribes.
5. **Tribal Policy Working Group:** GSA will establish an ongoing evaluation and monitoring process of this Tribal consultation policy, with Tribal input, to ensure the successful implementation of this plan.
6. **Monitoring and Updating:** GSA will regularly (at least annually) review its general policy on Tribal relationships and update the policy as appropriate based on changes in statute, regulation, guidance, or other directive and based on input and feedback from the Tribes.
7. **Reporting:** GSA will submit annual progress reports to the Office of Management and Budget on the implementation of this policy along with any updates, revisions, or improvements to the policy.