



April 26, 2021

Shalanda D. Young, Acting Director  
Office of Management and Budget  
725 17th Street, NW  
Washington, DC 20503

Via Electronic Mail: [tribalconsultation@omb.eop.gov](mailto:tribalconsultation@omb.eop.gov)

Dear Acting Director Young:

In response to President Biden's January 26, 2021, Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships, and in accordance with Executive Order 13175 of November 6, 2000 (Consultation and Coordination With Indian Tribal Governments), the U.S. Trade and Development Agency (USTDA) hereby submits the attached plan of action to implement the policies and directives of Executive Order 13175.

USTDA is a foreign assistance agency with the principal mandate to create U.S. jobs through exports to infrastructure projects in emerging markets around the world. To that end, USTDA provides grant funding for feasibility studies and technical assistance to prepare overseas infrastructure projects for financing and implementation. USTDA is not a policymaking agency or regulatory body.

Executive Order 13175 sets forth a series of requirements for Tribal consultation and coordination. The following explains how these requirements apply to USTDA and how USTDA's plan of action will address these requirements:

- Regarding Section 2 of Executive Order 13175 (Fundamental Principles), please note that, as a foreign assistance agency, USTDA has not engaged in formulating policies that directly impact Tribal Nations. However, USTDA affirms its commitment to the fundamental principles set forth in Section 2, which include acknowledgement of the U.S. government's trust relationship with Tribal Nations; the right of Tribal Nations to self-government; and Tribal sovereignty and self-determination. USTDA seeks to honor these fundamental principles by improving coordination and consultation with Tribal governments as set forth in the attached plan of action.
- Regarding Section 3 of Executive Order 13175 (Policymaking Criteria), please note that, as a foreign assistance agency, USTDA has not historically and is not currently engaged in policymaking that directly impacts Tribal governments. Nor does USTDA establish standards that Tribal governments would be required to adhere to. However, USTDA is committed to honoring Tribal treaties and other Tribal rights in our existing and future cooperation with Tribal Nations.

Acting Director Shalanda D. Young

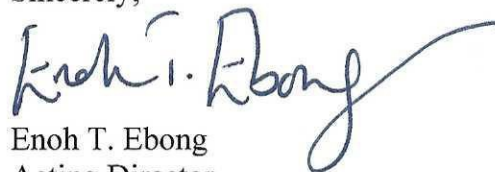
April 26, 2021

Page Two

- Regarding Section 4 of Executive Order 13175 (Special Requirements for Legislative Proposals), please note that USTDA does not submit legislative proposals to Congress. However, as required by Section 4, USTDA is committed to adhering to the policymaking criteria in Section 3 to the extent that USTDA engages in such policymaking.
- Regarding Section 5 of Executive Order 13175 (Consultation), please note that USTDA does not develop regulations or regulatory policies with Tribal implications. However, USTDA is committed to continued consultation and dialogue with Tribal Nations to find new partners for export opportunities or other ways of collaborating, as described in the attached plan of action.
- Regarding Section 6 of Executive Order 13175 (Increasing Flexibility for Indian Tribal Waivers), please note that USTDA does not promulgate statutory or regulatory requirements and does not receive waiver requests of such requirements. However, USTDA is committed to providing maximum flexibility when consulting and cooperating with Tribal Nations based on any requests to this end.
- Regarding Section 7 of Executive Order 13175 (Accountability), please note that USTDA does not engage in “significant regulatory actions” as defined in Executive Order 12866 or propose legislation. However, USTDA confirms that it is committed to adhering to the requirements set forth in Executive Order 13175 and the Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships.

I have designated Mr. Paul Alvaro Marin, Acting Director for Public Affairs, as the USTDA official with principal responsibility for implementing the Executive Order. Please do not hesitate to reach out to Mr. Marin via electronic mail ([pmarin@ustda.gov](mailto:pmarin@ustda.gov)) or telephonically (571-213-3998) should you have any comments or questions pertaining to USTDA’s plan.

Sincerely,



Enoh T. Ebong  
Acting Director

Attachment

CC: Paul Marin, Acting Director, Public Affairs, USTDA  
Erica Hovani, Acting General Counsel, USTDA  
Chelsea Gunter, Assistant General Counsel, USTDA



## PLAN OF ACTION

### Consultation and Coordination with Indian Tribal Governments

#### USTDA Mission

The U.S. Trade and Development Agency (USTDA) is a foreign assistance agency that helps companies create U.S. jobs through the export of U.S. goods and services for priority infrastructure projects in emerging economies. USTDA achieves its mission by funding feasibility studies, technical assistance and pilot projects that integrate the innovation and expertise of American companies. The Agency also connects overseas project sponsors with U.S. partners through its reverse trade missions, industry conferences and expert workshops.

USTDA prioritizes sectors where there is a high likelihood for the export of U.S. goods and services that can match the development needs of the Agency's overseas partners, including clean energy, transportation, information and communications technology, agribusiness, and healthcare infrastructure.

#### Consultation Process With Tribal Nations and Tribal Officials

On Wednesday, April 14, 2021, USTDA participated in a nine-agency consultation process with Tribal leaders, to listen and learn how the Agency could best engage, communicate and understand best practices for its future engagements with Tribal Nations. The consultation included active engagement from eleven Tribal leaders and representatives from different Tribal Nations and associations, including:

*Chairman Aaron Payment  
Sault Ste. Marie Tribe of Chippewa Indians*

*Chairman Russell Attebery  
Karuk Tribe*

*Chairwoman Cheryl Andrews-Maltais  
Wampanoag Tribe of Gay Head Aquinnah*

*Councilman Bryce in the Woods  
Cheyenne River Sioux Tribe*

*President Julie Kitka  
Alaska Federation of Natives*

*Executive Director Joe Valandra  
Native American Contractors Association*

*Governor Brian D. Vallo  
Pueblo of Acoma*

*Dawn Houle (Chippewa-Cree Nation)  
Director of Strategic Partnerships, Seminole  
Tribe of Florida*

*Secretary-Treasurer Michelle Beaudin  
Lac Courte Oreilles Tribe*

*Geoffrey Roth  
Hunkpapa Band of the Standing Rock Sioux  
Nation*

*Chief Benjamin Barnes  
Shawnee Tribe*

Written comments were provided by:

*Chairman Tehassi tasi Hill  
Oneida Nation*

*President Jonathan Nez  
Vice President Myron Lizer  
The Navajo Nation*

### Consultation Feedback

Tribal leaders stressed the need for Federal agencies to respect Tribal sovereignty and engage Tribal Nations as co-equals. Noting that relations with the U.S. government are grounded in historical and legal precedent, Tribal leaders highlighted the importance of recognizing that consultations should account for the unique nature and challenges faced by each respective nation. There was consensus that engagement should be meaningful, as well as strong encouragement for a better coordinated and consistent U.S. government approach toward consultations with Tribal Nations.

Tribal leaders recommended several actionable items for the nine U.S. government agencies that participated in the consultation, including:

- (i) Leadership Exchanges;
- (ii) Waiving Authorities, where appropriate;
- (iii) Enhancing Access to Grant Funding;
- (iv) Supporting the Creation of an AmeriCorps for Indian Country; and
- (v) Contracting With U.S. Tribal Businesses.

### Plan of Action

USTDA's plan of action will be built around the Tribal leader recommendations that best align with the Agency's mission of helping companies create jobs through U.S. exports of goods and services to priority infrastructure projects in emerging markets:

- Enhancing Access to Grant Funding
- Contracting With U.S. Tribal Businesses

USTDA provides grant-based assistance to overseas project sponsors who select U.S. partners to execute the USTDA-funded feasibility study or technical assistance activity. These U.S. partners may be consulting and engineering companies, or companies with cutting-edge technology that is of interest to USTDA's overseas project sponsor. USTDA also offers direct contracting opportunities for U.S. firms to facilitate the Agency's review of the technical, financial and other components of the project proposals that it receives for funding consideration. In addition, USTDA supports partnership-building activities that link U.S. sources of supply with overseas project sponsors that have an interest in procuring U.S. solutions for their infrastructure.

### Plan of Action: First Quarter

USTDA's goal is to facilitate the awareness and engagement of Native American businesses and business associations in the grant, contract and export opportunities that USTDA creates. USTDA's plan of action will include an initial series of senior-level introductory outreach activities and interactive dialogues with these groups throughout the first three months of the plan. These interactions will provide detailed information on how Native American businesses – and small businesses in particular – can work directly with USTDA and our overseas project sponsors in support of our mission to create U.S. jobs through exports.

USTDA plans to commence its initial outreach efforts with the following organizations:

- National Center for American Indian Enterprise Development
- National Congress of American Indians
- Native American Contractors Association
- Native American Finance Officers Association

USTDA will also build upon its recent outreach efforts to the Intertribal Agricultural Council to discuss potential opportunities for export promotion of Tribal agribusiness goods and services.

### Plan of Action: Second Quarter

Based on the nature of interest expressed by the Native American businesses and business associations, USTDA will coordinate follow-on meetings with the Agency's regional and sector team leaders and contracting officer. These senior officials will provide direct insight into USTDA's strategic planning efforts around the world and profile upcoming business opportunities of potential interest to the Native American businesses and business associations. These follow-on meetings will also provide detail on how USTDA intends to invest its foreign assistance funds into sustainable and climate-smart infrastructure in key emerging markets including the Indo-Pacific; Latin America and the Caribbean; Middle East, North Africa, Europe and Eurasia; and sub-Saharan Africa. These follow-on meetings will offer the necessary insight and guidance on how Native American businesses can enhance their competitiveness for USTDA's contract and grant-funded activities, as well as encourage participation in USTDA-funded partnership-building activities with overseas project sponsors.

### Plan of Action: Third Quarter

USTDA will coordinate with other members of the Trade Promotion Coordinating Committee (TPCC) – an interagency committee established to provide a unifying framework to coordinate U.S. government export promotion efforts – to share information and lessons learned during the first two quarters of this plan of action. USTDA will coordinate with its interagency partners to assess options for group follow-up consultations with Tribal Nations during the second half of this plan of action. These consultations could include progress reports and Tribal leader feedback on enhanced outreach approaches to Native American businesses and communities.

During this quarter, USTDA intends to expand its outreach efforts to additional Native American businesses.

By the end of the third quarter (no later than October 25, 2021), USTDA will submit to OMB a progress report on the status of this plan of action.

Plan of Action: Fourth Quarter

Through the Agency's Diversity and Inclusion Committee, USTDA will engage with Tribal colleges and universities and related organizations to enhance recruitment for its summer internship program and its full-time employee positions. This recruitment will include the above-referenced organizations, as well as the National Native American Law Students Association and universities with significant proportions of Native American students. USTDA's internship recruitment program begins in December of each year, and recruitment outreach for these purposes will begin then.

USTDA will continue its private sector outreach activities during the fourth quarter of this plan of action. The Agency also intends to assess the potential for expanding its Making Global Local (MGL) initiative to interested Native American business associations. MGL supports USTDA's mission by connecting the Agency to state and local-level trade promotion counterparts across the United States. MGL partners actively promote USTDA business opportunities to U.S. companies in their local communities.