

Social Security Administration
Current Process for Consultation and Coordination with Indian Tribal Governments

To ensure compliance with Executive Order 13175, the Social Security Administration (SSA) established a formal consultation process for use with tribal governments in 2001. We have recently shifted responsibility for implementing the Executive Order to the Office of the Associate Commissioner (AC) for the Office of External Affairs. The AC serves as our Indian Tribal Consultation Official and liaison with tribal government entities and officials.

SSA annually reviews its regulatory agenda and legislative submissions to determine whether any proposals have tribal implications. SSA designates a representative from each policy component who is responsible for identifying potential policies that have tribal implications and for notifying the AC for External Affairs of those issues.

Consultation Process

The AC for External Affairs will advise the Commissioner when an initiative has tribal implications, and we will notify tribal government entities to solicit their comments. Communication with the tribal government entities may be oral or written. The nature and extent of each proposed policy with tribal implications will determine the scope for each consultation and the coordination process, as appropriate, with tribal governments.

The Office of External Affairs will work with the Office of Management and Budget (OMB) to ensure that SSA fully complies with the early consultation and coordination with tribal government provision in Executive Order 13175.

The Office of External Affairs will maintain a list of significant officially-recognized tribes, tribal government entities, as well as coalitions such as the National Congress of American Indians, the National Indian Council on Aging, and other Federal, State, and tribal social service organizations that serve Indian populations.

Regulatory Proposals

Immediately following publication of any proposed rule in the Federal Register with tribal implications, the AC for External Affairs will transmit a copy of the proposed rule to tribal government entities. The cover letter will include:

- A request for comments on the proposed material, to be submitted within a specific time frame;
- The name(s) and telephone number(s) of our program expert to answer questions or provide clarification to tribal government officials; and
- An invitation to attend a technical briefing conducted by our program experts, if necessary.

The AC for External Affairs will share responses from tribal government entities with the appropriate SSA staff.

When SSA promulgates final regulations having tribal implications, we will include in the preamble:

- A summary impact statement, describing the agency's consultation with tribal officials;
- A summary of the nature of tribal government concerns, and the agency's reaction to those concerns; and
- A statement of the extent to which the concerns of tribal officials have been met.

SSA will make available to the OMB any written communications submitted to the agency by tribal officials.

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