



Approved On: November 30, 2022

# DOJ POLICY STATEMENT

## TRIBAL CONSULTATION

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**PURPOSE:** This policy implements the requirements of Executive Order 13175 of November 6, 2000 (Consultation and Coordination With Indian Tribal Governments), the Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships, signed on January 26, 2021, and the Memorandum on Uniform Standards for Tribal Consultation, signed on November 30, 2022, and provides the Department of Justice (“Department” or “DOJ”) guidance on the formal process through which the Department seeks Tribal input regarding the development of new or amended policies, regulations, and legislative actions initiated by the Department.

**SCOPE:** All Department components

**ORIGINATOR:** Office of Tribal Justice

**CATEGORY:** (I) Administrative, (II) Governmental and Public Relations

**AUTHORITY:** Executive Order 13175 (Nov. 6, 2000); Presidential Memorandum on Tribal Consultation (Nov. 5, 2009); Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships (Jan. 26, 2021); Presidential Memorandum on Uniform Standards for Tribal Consultation (Nov. 30, 2022).

**CANCELLATION:** None

**DISTRIBUTION:** Electronically distributed to those referenced in the “SCOPE” section and posted on the DOJ directives electronic repository (SharePoint) at <https://doj365.sharepoint.us/sites/jmd-dm/dm/SitePages/Home.aspx>

**APPROVED BY:** Merrick B. Garland  
Attorney General



## ACTION LOG

Issuing Component must review its DOJ directives, at a minimum, every 5 years and make revisions as necessary. The action log records dates of approval, recertification, and cancellation, as well as major and minor revisions to this directive, and provides a brief summary of all revisions. In the event this directive is canceled, superseded, or supersedes another directive, that will also be noted in the action log.

Action	Authorized by	Date	Summary
Initial Approval	Attorney General	8/29/2013	This Policy implements the requirements of Executive Order 13175 and provides guidance on the formal process through which the Department seeks Tribal input regarding the development of new or amended policies, regulations, and legislative actions initiated by the Department.
Revised	Attorney General 	11/30/2022	Changes reflect input received during June 2021 Consultations with Tribal leaders. Included in the changes are clarifications regarding processes and the scope and application of the policy.

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## **DEPARTMENT OF JUSTICE POLICY ON TRIBAL CONSULTATION**

### **I. Introduction**

Consultation is the formal process through which the Department of Justice seeks Tribal input regarding the development of new or amended policies, regulations, and legislative actions initiated by the Department (referred to collectively as “policies” and further described below). The principle of Consultation has its roots in the unique relationship between the Federal Government and the governments of federally recognized Tribes. This government-to-government relationship has a more than 200-year history and is built on the foundation of the United States Constitution, treaties, legislation, executive action, and judicial rulings. Most recently, Tribal Consultation was recognized as formal Federal policy in Executive Order 13175 of November 6, 2000 (Consultation and Coordination With Indian Tribal Governments), Presidential Memorandum on Tribal Consultation (Nov. 5, 2009), President Biden’s Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships, signed on January 26, 2021, and President Biden’s Memorandum on Uniform Standards for Tribal Consultation, signed on November 30, 2022. This Policy implements Executive Order 13175 and provides guidance regarding the sections most relevant to the mission of the Department of Justice.

Coordination between Tribes and the Department of Justice includes formal Consultation, listening sessions, meetings with individual Tribes, and informal discussions with Tribal leaders. Executive Order 13175 and this Policy Statement focus on the more formal aspects of Consultation. However, communication between Tribes and the Department of Justice is not limited to formal Consultation. To this end, the Department of Justice will engage in ongoing communication with Tribes beyond formal Consultation.

### **II. Initiating Consultation**

The Department of Justice will consult with federally recognized Tribes before formulating or implementing policies that have Tribal implications. The term “policies” includes: (1) regulations or regulatory policies; (2) proposed legislation; (3) decisions regarding the establishment of Federal standards; and (4) other policies for which the Department determines Consultation is appropriate and practicable. The term “policies” does not include matters that are the subject of investigation, anticipated or active litigation, or settlement negotiations. It also does not include individual grants or contracts.

Executive Order 13175 explains that policies have Tribal implications if they “have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.” The requirements of Executive Order 13175 and this Policy Statement generally will be construed liberally in favor of Consultation on any given policy as defined above with Tribal implications. Consultations may be organized in a variety of ways, from a single group discussion to a more iterative process involving a series of discussions. All decisions regarding whether and how

to conduct a Consultation, or whether a given policy or topic has Tribal implications, will be coordinated with the Department's Office of Tribal Justice.

In addition, the Office of Tribal Justice—in conjunction with affected Department components—will consider requests from Tribes to engage in Consultation on any new policy initiated by the Department of Justice, even if the Department has not previously identified that policy as having Tribal implications. Tribes may contact the Office of Tribal Justice to request a Consultation. The affected component, in coordination with the Office of Tribal Justice, will prepare and send to the requesting Tribe or Tribes a written response to the request within a reasonable amount of time.

### **III. Consultation Guiding Principles**

Given the wide variety of topics that may be the subject of Consultation between Tribes and the Department of Justice, the structure of any individual Consultation may vary. However, there are four guiding principles for all Tribal Consultations conducted by the Department of Justice:

- Consultation will involve timely, adequate notice to the appropriate parties.
- Consultation will be accessible to and convenient for Tribal participants.
- Consultation will be a meaningful part of the Department's decision-making process and involve appropriate participants.
- Consultation will be conducted through a transparent and accountable process.

#### **A. Adequate Notice**

Adequate notice has two components. First, adequate notice means that relevant Tribal parties will be made aware of an upcoming Consultation sufficiently in advance of the event to ensure an opportunity for participation. Second, adequate notice entails providing a full description of the topics to be discussed and, typically, should include draft materials, if they are available at the time of the notice.

Generally, every effort will be made to provide notice at least 30 days prior to a scheduled Consultation. If exceptional circumstances, such as legislative deadlines or other factors beyond the Department's control, warrant a shorter period of advance notice, the consulting component will provide an explanation for the abbreviated notification in the invitation letter.

Invitations to Consultations will be communicated in at least two ways. First, the invitations will be published on the Office of Tribal Justice and the Tribal Safety and Justice Web sites. Second, they will be sent by e-mail to appropriate individual Tribal leaders using an up-to-date Tribal leader list or sent by other means reasonably designed to reach all affected federally recognized Tribes.

Adequate notice of a Consultation should include sufficient detail about the topic to be discussed to allow Tribal leaders an opportunity to engage meaningfully in the process of Consultation. Notice of Consultation should include the date, time, and location of the consultation; and where appropriate,

links to join or register in advance.

The Department's experience has been that providing Tribes with specific information about the issues and questions the Department deems most relevant to the topics of a particular Consultation benefits both Tribal participants and the Department by helping ensure that Tribal comments are focused enough to be useful in the Department's decision-making process. This does not mean that the affected Department component has reached a preliminary decision on the issue that is the topic of the Consultation. The Department will provide a relevant discussion of the issues, a timeline of any applicable process, potential outcomes, and, if possible, an overview of any specific questions on which the Department would like Tribal input. The Department will generally include these materials as part of the invitation to consult, but if materials must be sent separately, the Department will ensure informational materials are provided with sufficient time to review before the scheduled discussion or discussions.

The Department recognizes that discussions about complex or technical issues will be most productive if participants are able to substantively consider background materials and potential implications. The Department components engaging with Tribes on complex or technical issues should therefore consider making use of informal listening sessions in advance of formal Consultation.

#### **B. Accessibility**

Consultations should be accessible to the relevant Tribal audience. If the subject of a Consultation primarily affects an individual reservation or region, the Department should consider steps to promote access and participation by the affected Tribe or Tribes. Depending on the circumstances, Consultation may be conducted in person or via video conferencing, conference calls, interactive Web technology, or similar means. Written comments will also be accepted, and absent exceptional circumstance, the written comment period should be open for at least 30 days following the Consultation. If the Consultation involves joint action with other Federal agencies, the consulting component should attempt to hold a joint Consultation with the other agencies.

#### **C. Meaningful Process**

Whenever possible, a Consultation should involve individuals who have decision-making authority on the issue that is the subject of the Consultation. This will generally mean that the component should make every effort to ensure that elected or duly appointed Tribal leaders or their designees will be substantively involved in the Consultation. Tribal leaders may wish to designate an alternative representative or representatives. If so, they should notify the Department of Justice point of contact identified in the invitation prior to the Consultation to ensure that the Departmental representatives can appropriately recognize Tribal representation.

As noted earlier, Consultations need not be limited to a single event; a series of discussions may be necessary to ensure substantive involvement by Tribal representation. Department of Justice

components should ensure that political leadership or other relevant Department of Justice decision-makers are substantively involved in the Consultation even if they are not personally able to attend. If the ultimate decision-makers are not present for the Consultation discussion or discussions, the Department's representation should ensure that those decision-makers are aware of the relevant issues in advance of the Consultation and are apprised of Tribal input after the Consultation process and before relevant decisions are made. A meaningful process requires the Department to provide a full description of the topics to be discussed, and in most cases, will require the Department to provide written materials in advance of the event.

Consultation will occur at a point in the deliberative process before the affected Department component has arrived at a decision. Consultation is not meaningful if the component has already decided the issue, and Tribal input is only *pro forma*. To this end, Department components need to be aware as early as possible of their duty to consult with Tribes and factor Consultation into their deliberative process.

Throughout Consultation, Department of Justice components shall recognize and respect Tribal self-government and sovereignty; honor Tribal treaty rights; reserved rights, and other rights; respect and consider indigenous knowledge; and strive to meet the responsibilities that arise from the unique legal relationship between the federal government and Tribal governments.

#### **D. Accountability**

At the conclusion of a Consultation, and after due consideration, the component will prepare, in consultation with the Office of Tribal Justice and any other component likely to have a specific interest in the subject matter of the Consultation, a summary of the Consultation. This will include a synopsis of Tribal concerns and issues and a description of the Department component's consideration of these concerns and issues. Consultation synopses provide a summarized account of the proceedings as well as insight into Departmental decisions resulting from the discussion. To the extent permitted by applicable law, the Department shall ensure that information designated as sensitive by a Tribal government is not disclosed. After input from the Office of Tribal Justice, the component will timely post this synopsis to the Tribal Justice and Safety website and maintain a record of the Consultation.

#### **IV. Development of Supplemental Consultation Guidance**

The Department of Justice is made up of nearly 40 components. Some of these components have frequent and substantive contact with Tribal governments, while others have limited interaction with Tribes. The Office of Tribal Justice is available to assist other Department components with implementing this Policy for their Tribal Consultation process. Components with frequent and substantive contact with Tribes may wish to supplement this Policy with more specific Consultation guidance. Those components are encouraged to develop such guidance. Supplemental guidance shall be reviewed by the Office of Tribal Justice to ensure consistency and compatibility with Executive Order 13175, President Biden's Memorandum on Uniform Standards for Tribal

Consultation, signed November 30, 2022, and this Department-wide Policy.

## **V. Interagency Consultation**

Beyond issues requiring Tribal Consultation by the Department of Justice, there may be overarching topics involving other Federal agencies that merit a broad policy discussion. Examples of such topics might include sacred sites, courts, law enforcement, crime-data collection, taxation, and juvenile justice. As necessary and appropriate, the Department may initiate an interagency Tribal Consultation on such topics. Relevant Federal agencies will be invited, along with representatives from interested Tribes. This interagency Consultation will ordinarily be convened in Washington, D.C. The Department, however, will also consider other venues as appropriate. The purpose of such a Consultation is to fully consider important new or existing policies with Tribal implications, many of which may pre-date Executive Order 13175. The Office of Tribal Justice will consult with the Tribal Nations Leadership Council to develop appropriate topics.

## **VI. Judicial Review**

This Policy Statement is intended only to improve the internal management of the Department, and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable in equity or at law by a party against the Department or any person.

Please contact the Office of Tribal Justice for further information on any of the processes established in this Policy Statement.

**U.S. Department of Justice**  
**Progress Report on DOJ's Plan of Action for Implementation of Executive Order 13175**  
**Consultation and Coordination with Indian Tribal Governments**  
**October 25, 2021**

In accordance with President Biden's January 26, 2021 Memorandum<sup>1</sup> and Executive Order 13175,<sup>2</sup> the Department of Justice (DOJ) submits the following progress report on DOJ's plan of action to strengthen our nation-to-nation relationship with Tribal governments and improve our consultation process.

**BACKGROUND**

DOJ remains committed to partnering with Tribes on a government-to-government basis, to meeting our treaty and trust obligations, and to promoting Tribal sovereignty. The current DOJ Consultation Policy,<sup>3</sup> signed in 2013, was developed following several formal consultations with Tribes, notice in the Federal Register, and a rigorous internal development and review process involving many DOJ components. It is used by offices across DOJ to plan and implement formal consultation with Tribes. DOJ's Statement of Principles,<sup>4</sup> signed in 2015, is an aspirational document that has helped DOJ remain committed to improving the ways we provide services to and partner with Tribal governments.

Under the mandates of the existing Tribal Consultation Policy and Statement of Principles, the Department holds numerous formal consultations each year on a wide variety of subjects including settlement negotiations, law enforcement protocols, and grant-related policies. In addition to formal consultations, DOJ components also engage in less formal outreach with Tribes including listening sessions, our monthly Tribal Nations Leadership Council meetings, and direct discussions with individual Tribes on discrete issues that may arise in the normal course of operations.

As directed in President Biden's January 2021 Memorandum, DOJ's plan of action is informed by feedback received during formal consultations with Tribes. DOJ held consultation

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<sup>1</sup> Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships, January 26, 2021: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-on-tribal-consultation-and-strengthening-nation-to-nation-relationships/>

<sup>2</sup> Executive Order 13175, Consultation and Coordination with Tribal Governments, November 6, 2000: <https://www.govinfo.gov/content/pkg/FR-2000-11-09/pdf/00-29003.pdf>

<sup>3</sup> The DOJ Consultation Policy was signed by Attorney General Holder in 2013 as directed in President Obama's 2009 Presidential Memorandum on Tribal Consultation and in fulfillment of the requirements in Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, November 6, 2000. <https://www.justice.gov/sites/default/files/otj/docs/doj-memorandum-tribal-consultation.pdf>

<sup>4</sup> The DOJ Statement of Principles for Working with Federally Recognized Tribes: <https://www.govinfo.gov/content/pkg/FR-2014-12-12/pdf/2014-28903.pdf>

sessions on April 7, 8, and 9, 2021.<sup>5</sup> The following plan reflects input received during the April 2021 consultations as well as input received from the Attorney General’s Tribal Nations Leadership Council, an advisory group of twelve elected Tribal leaders selected by their peers to represent their respective regions.

## **ENHANCEMENTS TO THE DEPARTMENT OF JUSTICE CONSULTATION POLICY**

Thanks to robust discussion with Tribal leaders and representatives, DOJ is in the process of updating its existing consultation policy. The following is a summary of changes to the DOJ policy:

1. DOJ will update the policy to indicate that consultations need not be limited to one session, or one concentrated block of sessions. DOJ will redefine consultation to include, where warranted, a more iterative process that may include a series of discussions.
2. In practice, DOJ accepts input from any participant but seeks input from Tribal leaders first. DOJ will establish a process in the policy for Tribal leaders wishing to either delegate representation for formal consultation or expand representation of the Tribe to include subject matter experts.

The following tenets existed in DOJ’s consultation policy but, based on feedback from the Tribes, has been clarified:

Adequate Notice: Under the current policy, the Department is required to give “adequate notice to the appropriate parties” of a consultation. Adequate notice requires a full description of topics, including a description of possible implications, and relevant materials be provided to the Tribes. DOJ will clarify language in the current policy regarding the scope and timing of pre-consultation materials. DOJ will also update the policy to encourage components engaging with Tribes on complex or technical issues to make use of informal listening sessions in advance of formal consultation. DOJ recognizes that discussions about complex or technical issues will be most productive if participants can consider background materials beforehand.

Meaningful Process: DOJ will clarify the current policy on when formal consultation (versus a listening session or smaller meeting) is required. DOJ will also strengthen language requiring the need to engage with Tribes before decisions are made. Under the current policy, there is a process for Tribes to call for consultation; DOJ will review and clarify this process.

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<sup>5</sup> <https://www.justice.gov/tribal/tribal-consultations-advisory-groups>

Accountability and Transparency: One of the key tenets of DOJ’s current policy is the requirement that DOJ provide a written summary of feedback received during the consultation and provide a detailed written response that offers insight into what feedback was incorporated into the final decision and what feedback was rejected, including justifications. Based on feedback during recent consultations this requirement needs to be stated more clearly; DOJ will update the policy accordingly and ensure the update includes clear processes for distribution.

The following is a summary of improvements to the DOJ consultation policy as a result of Tribal consultation:

<b>DOJ Tribal Consultation Policy</b>	<b>Change Recommended (Y/N)</b>	<b>Change Accepted (Y/N)</b>
Initiating Consultation	Y	Y
Consultation Guiding Principles	Y	Y
Adequate Notice	Y	Y
Accessibility	Y	Y
Meaningful Process	Y	Y
Accountability	Y	Y
Development of Supplemental Consultation Guidance	N	N
Interagency Consultation	N	N
Judicial Review	N	N

**Status:** *The updated policy is being routed internally for review and approval. DOJ expects to release the updated policy for distribution by December 31, 2021.*

**FURTHER STEPS TO STRENGTHEN DOJ’S TRIBAL RELATIONS**

**Advisory Groups.** DOJ received consistent feedback in favor of reinvigorating the role of the Attorney General’s Tribal Nations Leadership Council (TNLC). DOJ is committed to honoring the terms of the charter established in 2010 and promoting collaboration with this important advisory group.

**Status:** *DOJ’s Office of Tribal Justice meets monthly with the TNLC and is exploring opportunities for further engagement.*

**Training.** DOJ is developing a training module for its employees, contractors, and leadership on working with federally recognized Tribes. This training will help orient DOJ representatives to our treaty and trust responsibilities to the Tribes, the scope of DOJ's work in support of the Tribes, our interagency partnerships, and cultural considerations for federal representatives. Specific topics will include the following:

- Government-to-government Nature of DOJ's Relationship with Tribes
- Treaty and Trust Responsibilities
- Jurisdiction in Indian Country
- DOJ's Activities in Native Communities
- DOJ Tribal Policies
- Culturally Competent Communications

*Status: DOJ's Office of Tribal Justice is currently drafting a training module for internal review.*

**Improving Communications.** DOJ received helpful feedback on improving our methods of communicating with Tribes, particularly with regards to formal consultation. As a result, DOJ has updated the DOJ's Tribal Justice and Safety Website (<https://www.justice.gov/tribal>) to better highlight the "consultation" section and ensure the archives include all relevant materials including feedback and decision-making summaries.

*Status: Complete.*

## **CONCLUSION**

As mandated in President Biden's January 26, 2021 Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships, DOJ will submit a progress report to OMB on an annual basis. DOJ looks forward to our continued partnership with Tribes in support of public safety for all American Indians and Alaska Natives.

*Administration of Joseph R. Biden, Jr., 2021*

**Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships**

*January 26, 2021*

*Memorandum for the Heads of Executive Departments and Agencies*

*Subject: Tribal Consultation and Strengthening Nation-to-Nation Relationships*

American Indian and Alaska Native Tribal Nations are sovereign governments recognized under the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions. It is a priority of my Administration to make respect for Tribal sovereignty and self-governance, commitment to fulfilling Federal trust and treaty responsibilities to Tribal Nations, and regular, meaningful, and robust consultation with Tribal Nations cornerstones of Federal Indian policy. The United States has made solemn promises to Tribal Nations for more than two centuries. Honoring those commitments is particularly vital now, as our Nation faces crises related to health, the economy, racial justice, and climate change—all of which disproportionately harm Native Americans. History demonstrates that we best serve Native American people when Tribal governments are empowered to lead their communities, and when Federal officials speak with and listen to Tribal leaders in formulating Federal policy that affects Tribal Nations.

To this end, Executive Order 13175 of November 6, 2000 (Consultation and Coordination With Indian Tribal Governments), charges all executive departments and agencies with engaging in regular, meaningful, and robust consultation with Tribal officials in the development of Federal policies that have Tribal implications. Tribal consultation under this order strengthens the Nation-to-Nation relationship between the United States and Tribal Nations. The Presidential Memorandum of November 5, 2009 (Tribal Consultation), requires each agency to prepare and periodically update a detailed plan of action to implement the policies and directives of Executive Order 13175. This memorandum reaffirms the policy announced in that memorandum.

*Section 1. Consultation.* My Administration is committed to honoring Tribal sovereignty and including Tribal voices in policy deliberation that affects Tribal communities. The Federal Government has much to learn from Tribal Nations and strong communication is fundamental to a constructive relationship. Accordingly, I hereby direct as follows:

(a) The head of each agency shall submit to the Director of the Office of Management and Budget (OMB), within 90 days of the date of this memorandum, a detailed plan of actions the agency will take to implement the policies and directives of Executive Order 13175. The plan shall be developed after consultation by the agency with Tribal Nations and Tribal officials as defined in Executive Order 13175.

(b) Each agency's plan and subsequent reports shall designate an appropriate agency official to coordinate implementation of the plan and preparation of progress reports required by this memorandum. These officials shall submit reports to the Assistant to the President for Domestic Policy (APDP) and the Director of OMB, who will review agency plans and subsequent reports for consistency with the policies and directives of Executive Order 13175.

(c) The head of each agency shall submit to the Director of OMB, within 270 days of the date of this memorandum, and annually thereafter, a progress report on the status of each action included in the agency's plan, together with any proposed updates to its plan.

(d) The Director of OMB, in coordination with the APDP, shall submit to the President, 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.

*Sec. 2. Definitions.* The terms "Tribal officials," "policies that have Tribal implications," and "agency" as used in this memorandum are as defined in Executive Order 13175.

*Sec. 3. General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) 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.

*Sec. 4. Publication.* The Director of OMB is authorized and directed to publish this memorandum in the *Federal Register*.

JOSEPH R. BIDEN, JR.

[Filed with the Office of the Federal Register, 8:45 a.m., January 28, 2021]

NOTE: This memorandum was published in the *Federal Register* on January 29.

*Categories:* Communications to Federal Agencies : Tribal consultation and nation-to-nation relationships, strengthening efforts, memorandum.

*Subjects:* American Indians and Alaska Natives : Tribal nations, relations with Federal Government; Management and Budget, Office of.

*DCPD Number:* DCPD202100091.



**U.S. Department of Justice**

Office of Records Management Policy,  
FOIA, and Ediscovery

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October 11, 2022

MEMORANDUM

TO: Jolene Ann Lauria  
Acting Assistant Attorney General  
for Administration

THROUGH: Arthur Gary  
Deputy Assistant Attorney General  
Policy, Management and Procurement

**ARTHUR  
GARY**

Digitally signed by  
ARTHUR GARY  
Date: 2022.10.19  
12:36:55 -04'00'

FROM: Jeanette Plante  
Director  
Office of Records Management Policy  
FOIA and E-discovery

**JEANETTE  
FITZPATRICK**

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JEANETTE FITZPATRICK  
Date: 2022.10.11 14:33:05  
-04'00'

SUBJECT: Transmittal Package for Updated DOJ Policy Statement 0300.01, *Tribal Consultation*

Please find attached for your signature, an action memorandum to the Attorney General, that transmits updated DOJ Policy Statement 0300.01, *Tribal Consultation*, for his review and approval. This Policy Statement updates the process through which the Department of Justice (DOJ or Department) seeks Tribal input on the development of new or amended policies, regulations, and legislative actions that are initiated by the Department. Included in the changes are clarifications regarding processes, the scope, and application of the policy, which reflects the input received during the June 2021 Consultation with Tribal leaders.

This Policy Statement represents a collaborative effort between the Office of Tribal Justice and the Office of the Deputy Attorney General and has been cleared by the Associate Attorney General. It was also vetted through the affected components.

Once the Policy Statement is approved by the Attorney General and returned to JMD, we will post it to the Directives Management electronic repository at <https://doj365.sharepoint.us/sites/jmd-dm/dm/SitePages/Home.aspx>. We expect that either the Deputy Attorney General or the Attorney General will distribute it directly to the Heads of Components. Please contact me at 202-532-5935 or Arthur Gary, if you have any questions or concerns.

**Department of Justice**  
**EXECUTIVE SECRETARIAT**  
**eCATS Summary Sheet**

Work Package Status: Inactive

Document Date: 5/10/2013

Work Package ID: 2659848

Date Received: 5/13/2013

Step Due Date:

Sensitive? No

Classified? No

Expedited? No

From: The Honorable Lee Lofthus  
Assistant Attorney General for Administration  
Justice Management Division  
U.S. Department of Justice,  
Washington, DC 20530

To: , AG, CC indicated for

Mail Type: Action Memorandum (Controlled)

Sub Mail Type:

3<sup>rd</sup> Mail Type:

Service Code: None

Description: Memo requesting the AG's approval and signature on DOJ's policy statement on tribal consultation. Attachments. (NOTE: JMD requests package be EXPEDITED.) (J2657149)

Current Step: Action Component & Action Requested

Info Component:

Comments: 08/29/2013: AG approved/signed recommendation dtd 08/29/13. Original hand carried to JMD for handling.  
08/02/2013: DAG initialed memo on 08/01/13.  
07/25/2013: OLC submitted memo dtd 07/24/13 approving order with respect to form and legality.  
07/03/2013: Per ODAG (Burrows) send to OLC for review.  
06/19/2013: Acting ASG (West) initialed memo on 06/18/13.

ExecSec POC: Jason Nesbitt