



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

March 22, 2021

Dear Tribal Leader:

In accordance with President Biden's Presidential Memorandum¹, we are pleased to invite you to government-to-government consultation with the U.S. Office of Personnel Management (OPM). We have attached to this letter a framing paper to support our discussion. Due to the pandemic, this consultation will be held virtually:

Friday, April 16

Noon – 4:00 pm Eastern Time

Further details on registration and dial-in information will be sent separately in the next two weeks.

We welcome written comments until the close of business on April 9, 2021. Please submit them via email to consultation@opm.gov.

If you have questions, please contact consultation@opm.gov. We hope you will be able to participate in this important government-to-government consultation and we look forward to working with you.

Sincerely,

A handwritten signature in black ink that reads "Kathleen M. McGettigan".

Kathleen M. McGettigan
Acting Director

¹ 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/>

Office of Personnel Management
Consultation on Strengthening Nation-to-Nation Relationships with Tribes
March 2021

Framing Paper

The U.S. Office of Personnel Management (OPM) is the agency that serves as the Federal government's Human Resources advisor and is charged with developing and implementing governmentwide policies and practices around the full range of Human Resources issues including diversity, equity (including racial equity), inclusion, and accessibility; recruiting, hiring, retention, pay, benefits, and retirement.

OPM welcomes President Biden's directive² to strengthen our nation-to-nation relationships with Tribal governments and, as part of that effort, to consider steps the agency might take toward enhancing its consultation efforts. OPM is committed to partnering with Tribes on a government-to-government basis to meet our treaty and trust obligations, and to promote Tribal sovereignty. In response to the directive from the President, we would appreciate your feedback on steps that OPM might take to improve the ways we partner with Tribal governments and provide services to Tribal members and employees – for example, through the following programs:

Federal Employee Benefits

In recent years, OPM has worked with Tribes to enroll Tribal employees in the Federal Employees Health Benefits Program (FEHB). Certain Indian tribes, tribal organizations, and urban Indian organizations are entitled to purchase FEHB coverage, rights and benefits for their employees.³ We are pleased to share that tribally controlled schools⁴ are now eligible to purchase coverage for their employees under the FEHB Program as a result of the Fiscal Year 2021 Consolidated Appropriations Act (FY21 CAA). We are working to update our application materials to accommodate tribally controlled schools' enrollment.

Federal Employee Recruitment and Hiring

President Biden's administration is committed to developing a Federal workforce that reflects the rich diversity of our country, and OPM is committed to attracting and retaining a workforce from all segments of society, including American Indians/Alaska Natives. One way that OPM intendeds to fulfill this commitment is through maintaining and expanding relationships with

² 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/>

³ Tribal Federal Employees Health Benefits (FEHB) Handbook: <https://www.opm.gov/healthcare-insurance/tribal-employers/reference-materials/tribal-handbook.pdf>

⁴ Section 1114 of the FY21 CAA, Public Law 116-260, amended section 409 of the Indian Health Care Improvement Act, 25 U.S.C. 1647b, such that Indian tribes or tribal organizations carrying out programs under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) are entitled to purchase FEHB coverage for their employees.

Tribal Colleges and Universities, and colleges and universities with a high representation of American Indian/Alaska Native students. Some of our outreach activities include workshops on finding and applying for Federal jobs and applying for positions through our Pathways and Presidential Management Fellows Programs.

Below are some questions for consideration in advance of our consultation. These questions are not intended to limit feedback; although President Biden's Memorandum focuses on consultation, OPM welcomes input on any aspect of our current practices.

- What successes and barriers have you experienced with OPM's programs, policies, and services?
 - What successes and barriers have you experienced when accessing benefits such as those offered through the FEHB program?
 - What successes and barriers have you experienced around Federal recruitment, hiring, reemployment, retention, advancement, and retirement services?
 - What successes and barriers have you experienced related to racial equity?
- How can OPM improve its outreach, communication, and notification about its programs, policies, and services?
- Would you find it valuable for OPM to hold listening sessions and small group meetings to facilitate communication on subjects that do not require formal consultation under E.O. 13175⁵?
- What interactions with OPM have or could have the greatest impact on your communities?
- Do you have specific examples where OPM could improve our interactions with Tribes as part of our government-to-government relationship that you would like to share?

OPM strongly encourages submission of feedback in advance of scheduled discussions to help ensure OPM representatives are able to address specific concerns and, where possible, ensure the right agency representatives are in attendance. Please submit advance feedback via email no later than close of business on April 9, 2021 to consultation@opm.gov.

⁵ Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments): <https://www.federalregister.gov/documents/2000/11/09/00-29003/consultation-and-coordination-with-indian-tribal-governments>