



SOCIAL SECURITY

The Commissioner
April 16, 2021

The Honorable Susan Rice
Assistant to the President for Domestic Policy
Eisenhower Executive Office Building, Room 469
1650 Pennsylvania Avenue, NW
Washington, DC 20503

The Honorable Rob Fairweather
Acting Director, Office of Management and Budget
Eisenhower Executive Office Building, Room 252
1650 Pennsylvania Avenue, NW
Washington, DC 20503

Dear Ambassador Rice and Mr. Fairweather,

The January 26, 2021 Presidential Memorandum requests a detailed plan of action Agencies will take to implement policies and directives under Executive Order 13175 of November 6, 2000 titled *Consultation and Coordination with Indian Tribal Government*.

We look forward to fulfilling our commitment described in the enclosed 2021 Tribal Consultation and Call to Action Plan to describe Social Security Administration's plans for consultation and outreach activities in the American Indian and Alaska Native communities. Our plan is a multiple prong approach consisting of consultation, outreach, service delivery and recruitment.

Because of the national public health emergency related to the COVID-19 pandemic, we continue to use alternate methods of communication to keep the Tribal communities informed and aware of how to access Social Security benefits. We look forward to the time when we can re-engage in face-to-face activities to consult with Tribal leaders.

If you have any questions, please contact me, Social Security's Tribal Consultation Official, at (303) 844-4012.

Sincerely,

Nancy A. Berryhill
Tribal Consultation Official
Office of the Commissioner

Enclosure



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2021 Tribal Consultation and Call to Action Plan

The January 26, 2021 Presidential Memorandum requests a detailed plan of actions each executive department and agency will take to implement policies and directives of E.O.13175 of November 6, 2000 titled *Consultation and Coordination with Indian Tribal Government*.

The Social Security Administration (SSA) is committed to strengthening our relationship with Indian Tribes through multiple initiatives as defined in E.O. 13175, *Consultation and Coordination with Indian Tribal Governments*. In response to the Presidential Memorandum, we are pleased to share the 2021 Tribal Consultation and Call to Action Plan, which describes SSA's plans for consultation and outreach activities in the American Indian and Alaska Native (AIAN) communities. To reaffirm our commitment to meaningful and robust engagement regarding policies that have Tribal implications, the plan outlines our strategy for consultation, outreach, service delivery, and recruitment.

Our plan provides action for the following initiatives:

- Continue to Strengthen Tribal Consultation.
- Increase Outreach and Education efforts to Tribal Communities
- Improve Service Delivery
- Promote hiring and support for local assistance efforts

Strengthen Tribal Consultation

We recognize the unique government-to-government relationship that exists between Indian Tribes and the Federal Government, grounded in the U.S. Constitution, treaties, Federal case law, statutes, and executive orders. To ensure that Tribes have full access to our programs and services, SSA will engage with Tribes through a timely and meaningful consultation on policies that have direct effects on Tribes.

Note: On April 6th, 7th and 8th, SSA conducted six tribal consultation session in conjunction with three other agencies, Treasury, Veterans Affairs and Small Business Administration. The consultations focused on conducting meaningful and productive consultation sessions with the tribes. Commissioner Andrew Saul provided opening remarks for all sessions and emphasized SSA's commitment to strengthening our nation-to-nation relationships.

Based on the feedback received from our April 6th – 8th, 2021 national consultation and the written comments, we will:



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- Host national consultations timely with Tribal Government officials designed to improve our consultation policy and communication with Indian Tribes and Tribal officials, including Alaska natives.
- Host a consultation or roundtable discussion on *Tribal Welfare General Exclusion Act of 2014*, as requested in our April 6-8, 2021 consultation on consultation.
- Recognize that Tribal sovereignty and self-determination are central in working with Tribal governments.
- Solicit input from Tribal nations, including early involvement.
- Strive to give notice at least 30-days prior to scheduling a consultation.
- Provide adequate notice that describes the topic(s) to be discussed during consultation.
- Consider diverse viewpoints and recognize identified Tribal impacts.
- Work with Tribes to develop agendas and listen to concerns.
- Have agency decision makers attend the sessions.
- Allow for both verbal and written comments.
- Consider face-to-face and Zoom-like meeting platforms along with having phone lines availability for rural areas.
- Use both regional and national consultations, depending on the topic.
- Allow enough time to hear everyone and expand the time allocated if necessary.
- Use roundtable or an ad hoc task force to address specific issues.
- Post an after-action report to share conclusions.
- Gain insight from the Office of Management and Budget and inter-agency activities through serving on the White House Council on Native American Affairs.
- Seek opportunities on national platforms such as the National Congress of American Indians Annual Conferences and Native American Finance Officers Association to share information about benefits, access to Social Security Services, and provisions of the Tribal Social Security Fairness Act and the Tribal General Welfare Exclusion Act of 2014.
- Demonstrate our commitment through publications documenting written policy and responses showing our accountability and acknowledgement of a true nation-to-nations interaction with Tribal Government.



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Increase Outreach and Education Efforts

To improve access to and understanding of our programs, we will continue to conduct seminars with Indian Tribes and Tribal entities. In the seminars, we share information on our retirement and disability programs, including our Wounded Warrior provisions, Supplemental Security Income, Medicare “Extra Help”, Medicare State Buy-in provisions, online services and service delivery updates. We will also continue to help Tribal community members create *my Social Security* accounts to provide access to services online.

In addition, we will:

- Create regional partnerships to ensure that every region preserves the essential knowledge and resources vital for establishing and retaining relationships with Tribal communities.
- Utilize alternative methods of communication, such as, blogs, social media, radio, newspapers and *Dear Colleague Letters*, to share information with Tribal communities and explore native language speakers or translators.
- Implement the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Share information about COVID Economic Impact Payments via a national outreach to vulnerable communities.
- Enhance understanding of benefits eligibility under the Social Security and Supplemental Security Income programs. This includes extending education efforts to assist homeless and other vulnerable Tribal members.
- Offer detailed benefits guides for Tribal Benefit Coordinators on Social Security services to inform Tribal members how to apply for benefits and the appeals process, and post-entitlement requirements.
- Engage with Directors and national members to share knowledge of programs and procedures through national Tribal meetings established by the Native American Finance Officers Association (NAFOA), the National Congress of American Indians (NCAI), and the National Indian Council on Aging (NICOA).
- Conduct outreach in various States, including participation(s) in National Native American Housing Symposiums to raise awareness about our expedited disability claim initiatives for military service members and veterans.

Those who apply for Social Security disability benefits receive notification in writing of any decisions. When our decisions are not favorable, there are four levels of appeal. Understanding the appeals process and the timelines associated with appealing to the next stage is a critical aspect of our outreach program. We will seek opportunities to cover the appeals process at seminars and national events when we share information on our retirement and disability programs.



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- Offer detailed informative sessions on how to file an appeal of a disability decision online at www.ssa.gov/benefits/disability/appeal.html. Also, explain how a representative can appeal a decision by completing and submitting online the request for reconsideration or a hearing.
- Promote awareness of the entire disability process, including an appeal of a non-medical decision by completing and submitting the online request for reconsideration or hearing.
- Provide internal policy training to SSA employees to explain the *Tribal Welfare General Exclusion Act of 2014* with an emphasis on the Assistance Based on Need program. The video will train employees working with Tribal communities.
- Provide policy training with Indian Health Services Benefit Coordinators and Tribal communities.
- Encourage local management and/or Public Affairs Specialists to participate in listening sessions in localities near Tribal communities within the Service Area of the Field Office.
- Release letters to Tribal leaders and communities to emphasize service delivery.

Improve Service Delivery

The Agency Tribal Consultation Official (TCO) seeks to improve service delivery models and market how Tribal members can obtain services for SSA programs. The TCO seeks to inform members how to access our services during the period when COVID-19 pandemic limits our ability to interact in a face-to-face environment for claims and enumeration processing.

- Enhance service delivery methods, including restoring the utilization of video service delivery as an option for conducting business with Social Security and effectively use Microsoft Teams to conduct online video hearings. This includes using Polycom RealPresence Client video technology to connect SSA technicians with AIAN third-party sites.
- Seek alternative service channels to provide service to vulnerable populations affected by the pandemic, including donation of laptops and testing appointments using Microsoft Teams to support the claims taking process and post entitlement workload in Indian Country.
- Provide virtual joint presentations on benefits, access to services, and training for beneficiary coordinators with Agencies such as Centers for Medicare and Medicaid Services (CMS) and Indian Health Services.



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- Provide up to date information in a centralized virtual location housed on a public facing SSA website for Tribal affairs (www.ssa.gov/people/aian), and continue to update AIAN products to provide the best possible service to our tribal (service to Indian Country).

Additionally, we look for opportunities to offer clarity to military service members of our Veterans Wounded Warriors Program to improve access and understanding of our programs. Active duty status and receipt of military pay do not necessarily prevent payment of Social Security disability benefits. Receipt of military payments should never stop Tribal members from applying for disability benefits from Social Security. If the individual is receiving treatment at a military medical facility and working in a designated therapy program or on limited for duty status, we evaluate their work activity to determine their eligibility for benefits.

- Military service members can receive expedited processing of disability claims from Social Security. Benefits available through Social Security are different from those from the Department of Veterans Affairs and require a separate application.
- Promote awareness of the expedited claims process for military service members who become disabled while on active military duty on or after October 1, 2001, regardless of where the disability occurs. For more information on our Wounded Warriors program, visit www.ssa.gov/people/veterans.

The Tribal Social Security Fairness Act of 2018 was signed into law on September 20, 2018. This new law allows Federally-recognized Indian Tribes to extend Social Security coverage to Tribal council positions voluntarily through an agreement with the Commissioner of Social Security under Section 218A of the Social Security Act. Under the 2018 legislation, if a Tribe chooses to enter into an agreement for coverage, then all Tribal council positions are covered. Improve Service Delivery by responding to Policy and Legislative Proposals impacting Tribal members, such as communication, outreach and publication of policy spotlights for the Tribal Social Security Fairness Act of 2018. We will:

- Proactively address business processes allowing Tribes to elect Social Security coverage for the Tribal Council.
- Seek opportunities to explain that a Tribe Council Member Coverage Agreement may include a request retroactive coverage for periods for which they have already paid Federal Insurance Contributions Act (FICA) taxes and not received a refund. Retroactivity can go back as far as needed without limit as long as FICA taxes were paid.

Promote Hiring and Support for Local Assistance Efforts



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We released our agency's FY 2020-2022 Human Capital Operating Plan (HCOP) on February 4, 2021. The HCOP aligns with the government-wide priorities presented in the President's Management Agenda, Federal Workforce Priorities Report, government-wide Diversity and Inclusion Strategic Plan, and the Office of Personnel Management's Human Capital Framework. We are looking at the HCOP and the Diversity and Inclusion Strategic Plans to increase recruitment strategies in Indian Country.

SSA is committed to recruiting a diverse, qualified pool of applicants at all levels of the agency. As such, we plan to utilize our Advisory Council Chairs within the Diversity and Inclusion (D&I) Council, as they have distinct connections with the communities they serve and can play a key role in our efforts to broaden recruitment efforts among underrepresented groups.

- Enhance our recruitment initiatives through the D&I Council providing lists of community contacts to SSA offices that help market SSA job vacancy announcements on social media.
- Utilize OPM's USAJOBS web-based recruitment system to announce SSA's vacancies for Tribal members and assisting Tribal applicants in creating USAJOBS accounts along with how to locate positions on the site.
- Explore ways that our programs and services can benefit Tribal Colleges and Universities (TCUs) by communicating and collaborating with our network of non-competitive eligibility contacts that included SSA's National Veterans' Outreach and Selective Placement Coordinators, Career One Stop Centers, Vocational Rehabilitation Offices, Ticket to Work Job Service Providers, and College/University Disability and Career Services.
- Promote local assistance efforts through our Regional Advisory Council Activities designed to enhance diverse recruitment. Enhance attendance at job fairs hosted by TCUs. We also will ask OPM to lead and explore an internship program through educational institutions nationwide for Native students.

Opportunities for engaging in a work activity are available to people also receiving benefits. We will continue to seek opportunities to provide information on employment support to assist our disabled beneficiaries with returning to work. The Ticket to Work (TTW) program is a program for persons with disabilities who want to work and participate in planning their employment.

- Inform Tribal Coordinators of the availability of the TTW and ways to establish Tribal Employment Networks in their community.
- Promote understanding of our Plan for Achieving Self-Support program, and Work Incentives Planning and Assistance programs to engage in communities with Community Work Incentives Coordinators.



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- Promote Special Conditions which is support and on the job assistance provided by an employer, or someone other than an employer (e.g. vocational rehabilitation agency).
- Provide education on Unsuccessful Work Attempts and Impairment-Related Work Expenses.

Managing the Plan

To monitor compliance with E.O. 13175 and President Biden's Memorandum dated January 26, 2021, the Commissioner has established two executive leads:

- Nancy Berryhill – Tribal Consultation Official
- Renee Ferguson – AIAN Executive Lead

Both executives will carry out responsibilities including, but not limited to, the following:

- Monitor compliance with Executive Orders.
- Communicate and coordinate policy compliance.
- Strive to enhance ongoing relationships with Tribes.
- Serve as the initial contact for Tribes to request or inquire about consultations.
- Improve access to benefits and raise awareness by conducting outreach and educational sessions.