

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

October 25, 2022

Dear Tribal Leader,

I am writing to provide updates regarding my bill H.R. 3587, the RESPECT Act. As you may know, the RESPECT Act seeks to codify tribal consultation and I have introduced this bill for over a decade. Today, I continue to believe that passage of the RESPECT Act will be critical in ensuring that Indian Country has a permanent voice in the federal decision-making process.

At the beginning of this year, House Natural Resources Committee (Committee) staff began conducting outreach to tribal organizations, tribal leaders, and legal experts on updates to the RESPECT Act after receiving technical assistance from the Biden administration and additional input from tribal stakeholders. These updates culminated in a revised bill text—an Amendment in the Nature of a Substitute (ANS)—that I had intended to include on a full-Committee markup agenda in Spring 2022.

After I announced my intent to mark up the RESPECT Act on March 28th, the National Congress of American Indians (NCAI) contacted Committee staff to request additional NCAI involvement in the drafting process and a hold on any further legislative process. In response, I agreed to postpone legislative movement on the RESPECT Act to allow for extended policy discussions with NCAI. NCAI and Committee staff met twice to discuss NCAI's position on the RESPECT Act and the updates made to the ANS. During each of these meetings NCAI staff noted that they would provide Committee staff with a redline of suggested changes to the bill. Unfortunately, Committee staff never received NCAI's recommended improvements and on September 1, 2022, I received an official letter of opposition to the legislation from the organization.

It is my understanding that some are concerned that the bill text equates Alaska Native Corporations (ANCs) with tribal governments. While this assertion was not supported by the provisions in the original ANS text, Committee staff have been working to clarify the RESPECT Act's procedures to confirm to stakeholders that this isn't the case. This month, I intend to release the revised text so that it can be circulated for your review at the earliest opportunity.

As we near November, the weeks we have left in this Congressional session are of the utmost importance. After the election, we may not have another opportunity to codify tribal consultation like this for a very long time. We have witnessed what happens when tribal communities do not have a voice in the federal decision-making process. As the Trump administration demonstrated, it is far too easy for the federal government to bulldoze sacred sites, shrink national monuments, slash tribal programs, and expedite harmful federal projects without protected consultation procedures in place. Considering the Senate's recent attempt to remove essential input processes in the National Environmental Policy Act (NEPA), I firmly believe that Executive Orders are not enough. To permanently uphold an enforceable process of consultation in Indian Country, we must pass the RESPECT Act.

With that, I respectfully ask for your support as we approach a full-Committee markup of the RESPECT Act. Urgency is upon us – we must act quickly.

Sincerely,

A handwritten signature in blue ink that reads "Raúl M. Grijalva". The signature is written in a cursive style and is positioned above a horizontal line.

Raúl M. Grijalva
Chair
House Natural Resource Committee