

**National and Regional Tribal Partner Organizations Letter
to the
House Natural Resources Committee Regarding the RESPECT Act - H.R. 3587**



December 7, 2022

The Honorable Raúl Grijalva
Chairman
U.S. House Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

Dear Chairman Grijalva:

On behalf of the undersigned regional tribal organizations, we write regarding the concerns for the government-to-government consultation envisioned in the amendment in the nature of a substitute (Updated ANS) for H.R. 3587 - the RESPECT Act. While we are still supportive of the concept of codifying the government-to-government right to consultation in law, and while we are grateful that you, your staff, and the Committee took our letters in September seriously enough to make modifications to the originally proposed amendment in the nature of a substitute, the fact remains that the proposed legislative text in the Updated ANS is something we cannot support.

First, the Updated ANS language still does not appropriately reflect our inherent sovereignty as it incorrectly includes Alaska Native Corporations (ANCs) as equivalent to Tribal Nation governments by explicitly granting them equal consultation status as part of the trilateral consultation mechanism envisioned by the legislation. While Indian Country includes governments, organizations, and corporations that all provide support to our tribal citizens, the Nation-to-Nation, diplomatic relationship with the United States, including the right of government-to-government consultation, is rooted in the inherent sovereignty of Tribal Nations.

Additionally, we have grave concerns that the Updated ANS language would create a new mechanism that could be used by one Tribal Nation—or one Alaska Native Corporation—to delay or block a federal approval that another Tribal Nation is seeking. Such a procedural mechanism would undoubtedly result in creating additional conflicts between two or more Tribal Nations, between Tribal Nations and ANCs, and even between two or more ANCs. In such situations, the text does not fully contemplate a solution other than sending the conflicting parties to court, which is something that would not only delay the consultation processes indefinitely when there are disagreements, but would also waste valuable resources and time instigating conflict between Native people.

As a consistent champion for Indian Country and tribal sovereignty, we again request that you do not move the Updated ANS forward, but instead that you continue to work and consult with Tribal Nations' leaders to ensure that the RESPECT Act reflects our inherent tribal sovereignty and codifies the right to tribal consultation as a sovereign-to-sovereign right that will not pit Tribal Nations against each other before it is considered by the Committee or elsewhere.

Sincerely,

Affiliated Tribes of Northwest Indians
Great Lakes Intertribal Council
Great Plains Tribal Chairmen's Association
Inter Tribal Association of Arizona
Inter-Tribal Council of the Five Civilized Tribes
National Congress of American Indians
Rocky Mountain Tribal Leaders Council
United South and Eastern Tribes Sovereignty Protection Fund
United Tribes of Michigan