

# RESPECT ACT

HOUSE NATURAL RESOURCES COMMITTEE CHAIR RAÚL M. GRIJALVA

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On May 28, 2021, Chair Raúl M. Grijalva (D-Ariz.) introduced the Requirements, Expectations, and Standard Procedures for Effective Consultation with Tribes (RESPECT) Act. This bill would make tribal consultation mandatory under the law.

## WHAT IS TRIBAL CONSULTATION AND WHY IS IT IMPORTANT?

American Indian and Alaska Natives are citizens of sovereign tribal governments in the United States. This means that when the U.S. government makes and implements policies that affect tribal lands, citizens, interests, or livelihoods, the U.S. government should consult with tribal governments before acting or making final decisions. Doing so helps to fulfill the U.S. government's trust responsibilities and respects tribal sovereignty. When practiced in good faith, we call this process "tribal consultation."

## WHY DO WE NEED THE RESPECT ACT?

Despite the importance of tribal consultation, the way it should be carried out has not been written into law. That means the U.S. government can change the way it conducts tribal consultation with each new presidency—and if the U.S. government does not consult, or ignores tribal input, it can't be held legally accountable.

Unfortunately, that's precisely what happened under the Trump administration. President Trump discontinued tribal consultation practices put in place by President Clinton's Executive Order 13175, making it easier to enforce harmful decisions without tribal consultation.

## HOW WOULD THE RESPECT ACT FIX THIS PROBLEM?

The RESPECT Act makes tribal consultation mandatory for U.S. government agencies, not just a recommended practice. The bill sets criteria for identifying tribal impacts, conducting outreach to tribal governments, and initiating tribal consultation sessions. If this bill passes into law, the U.S. government could be held legally responsible for not conducting tribal consultation.

## WHAT ARE SOME OTHER IMPORTANT PARTS OF THE RESPECT ACT?

- It requires each U.S. government agency to have a designated official who is responsible for coordinating tribal consultation and offering new staff training on coordinating and consulting with tribal governments.
- The bill requires the U.S. government to create a Tribal Impact Statement that would "include the scope of the activity or regulatory action, including any geographic areas important to tribal governments, as well as a list of all affected tribal governments." The U.S. government, in coordination with tribal governments, would also be required to identify important sacred sites.

*"Tribal consultation is not a 'Dear Tribal Leader' letter or a voicemail, it is the bedrock of the federal Indian trust responsibility. The RESPECT Act embodies that and will bring the United States government closer than it has ever been to adhering to the values it has long espoused but so often ignored."*

*– Gay Kingman, Executive Director, Great Plains Tribal Chairmen's Association*

## WHAT ARE SOME OF THE DECISIONS THAT THE TRUMP ADMINISTRATION MADE WITHOUT TRIBAL CONSULTATION?

- Shrank Bears Ears National Monument and Grand Staircase-Escalante National Monument
- Sped up the Dakota Access and Keystone XL pipelines
- Authorized construction of the border wall, which destroyed sacred sites
- Proposed drastic budget cuts to the Bureau of Indian Affairs
- Mandated in-person school re-openings for Bureau of Indian Education schools during the COVID-19 pandemic without tribal input