

Committee on Natural Resources
Subcommittee for Indigenous Peoples of the United States
Remote Legislative Hearing - Cisco WebEx

May 20, 2021

12:00 p.m.

Legislative Hearing on [H.R. 438](#), [H.R. 2930](#), RESPECT Act [Discussion Draft]

Questions from Rep. Leger Fernández for Ms. Stacy Leeds, Professor of Law and Leadership, Arizona State University Sandra Day O'Connor School of Law

1. Your testimony highlights many Congressional actions and Executive orders that have declared the application of the trust responsibility to all federal agencies.
 - a. In your opinion, why have federal agencies so far failed to engage in good faith consultation with tribal governments?

Questions from Rep. Leger Fernández for Mr. Matthew L.M. Fletcher, Director & Professor of Law, Michigan State University College of Law

1. Your written testimony includes Appendix II, which details many cases brought against federal agencies by tribal governments on the issue of inadequate tribal consultation.
 - a. Briefly, can you share how the RESPECT Act might help tribal governments and federal agencies avoid future court battles?

Questions from Rep. Leger Fernández for Ms. Lauren van Schilfgaarde, Director, Tribal Legal Development Clinic, University of California Los Angeles School of Law

1. Can you elaborate on how existing tribal consultation procedures have been disastrous and costly to both tribal governments and federal agencies?
2. Your testimony mentions the brief succession of Executive orders that have called for the federal government's fulfillment of its tribal consultation obligations.
 - a. Can you explain why Executive orders don't go far enough in establishing tribal consultation procedures?