

Opening Statement

- Good afternoon. I want to welcome our witnesses here today and thank the Chair for having this important hearing on my legislation.
- The goal of the REPECT Act is simple and straightforward – effective, meaningful tribal consultation as a matter of law. This has been one of my top priorities since I came to Congress.
- This bill originally came out of the frustration and obstacles that tribes have faced when it comes to agency actions that affect tribal lands and interests.
- It came out of the conversations I had with tribal leaders over the years, where I heard of the issues that arise between tribes and the Federal Government when tribes are not respected as sovereign nations.

- Congress has never established standards for the Federal Government to follow when it takes actions that affect tribal communities, despite the fact that this is part of our trust responsibility.
- The current lack of a unified framework has in a myriad of consultation procedures – each different from agency to agency, and the process is even more cumbersome when multiple agencies are involved.
- And the fact that tribal consultation is embodied solely in an Executive Order means that implementation of the process is spotty at best, especially as administrations change hands.
- Far too often, federal agencies have already decided on a course of action and then “consult” with tribes by simply notifying them of the agency decision.

- Much of the confusion and conflicts that exist between the Federal Government and tribes can be traced back to a lack of clear guidelines for meaningful consultation. That is why the RESEPECT Act is so crucially needed.
- This legislation is the culmination of our many discussions with Tribal leaders and stakeholders, as well as legal scholars, as to the best way to approach tribal consultation.
- The RESPECT Act sets forth detailed procedures for the timing, format, implementation, and documentation of executive agency consultation with tribes when agency actions have tribal impacts.
- It requires agencies to take a proactive approach to tribal consultation, by dictating that an agency

determine any tribal impacts of an action before they begin the process.

- It necessitates that the consultation process is robust, allowing time for real, meaningful collaboration and discussion.
- It protects sensitive tribal information, such as the location of sacred sites and details of cultural and religious practices, and instructs agencies to recognize and respect tribal sovereignty – with required training for agency staff aimed at improving their capacity for interacting with Tribal Governments.
- Finally, it provides judicial recourse for tribes when federal agencies fail to fulfill their consultation obligation.
- Promoting meaningful government-to-government consultation will create long lasting efficiencies,

reduce project delays, help avoid legal battles, and help fulfill the legal obligations of the Federal Government.

- I look forward to our discussion on the bill and to hear the comments from our witnesses.
- Thank you, Madam Chair, for holding this hearing today. I yield back.