AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 5303
OFFERED BY MS. MOORE OF WISCONSIN

At the end of title I, add the following:

SEC. ____. TRIBAL CONSULTATION.

(a) Review.—Not later than 60 days after the date of enactment of this Act, the Secretary shall begin a review of the policies, regulations, and guidance related to conducting meaningful consultation with Indian tribes regarding Corps of Engineers flood control, environmental restoration, and other projects or requiring the Corps of Engineers to approve a permit that may have an impact on tribal cultural or natural resources.

(b) Contents.—The review required under subsection (a) shall examine and assess the following:

(1) How tribal consultation rules apply to the permitting process, especially for projects not on tribal lands but which may still be contiguous to such lands or affect tribal cultural and natural resources.

(2) How the Corps of Engineers defines meaningful consultation.
(3) Whether the current process adequately considers tribal interests including environmental, social, health and well-being of tribal members.

(4) How the Corps of Engineers informs tribes that it will not consider concerns or alternatives raised during the consultation process.

(5) How the Corps of Engineers determines a project’s impact on tribal communities including the Corps ability to protect cultural and natural resources such as water.

(6) The specific situations by which tribes have access to high level Corps of Engineers officials such as the Assistant Secretary of the Army (Civil Works) and the Chief of Engineers to dispute or otherwise direct concerns about pending Corps of Engineers projects or permits, including examples of instances in which the Corps of Engineers provided such access as part of its consultation with a tribe regarding a particular project.

(7) The role of headquarters in overseeing tribal consultation being done at the District and Division levels.

(8) The effectiveness of the dispute resolution process that has been developed to elevate tribal con-
cerns to higher levels of Corps of Engineers oversight and review.

(9) Whether the Corps should undertake a rule-making process related to its tribal consultation policies and procedures.

c) CONSULTATION.—In completing the review required under subsection (a), the Secretary shall provide for public and private meetings with Indian tribes and other stakeholders.

d) REPORT.—Not later than 1 year after beginning the review under subsection (a), the Secretary shall submit to Congress, and publish in the Federal Register, a report on—

(1) the results of the review;

(2) any proposed changes to the tribal consultation policies determined necessary as a result of the review; and

(3) if the Secretary determines that no changes to the tribal consultation policies are necessary, the justification for such determination.