

**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:

1 **SEC. \_\_\_\_ . TRIBAL CONSULTATION.**

2 (a) REVIEW.—Not later than 60 days after the date  
3 of enactment of this Act, the Secretary shall begin a re-  
4 view of the policies, regulations, and guidance related to  
5 conducting meaningful consultation with Indian tribes re-  
6 garding Corps of Engineers flood control, environmental  
7 restoration, and other projects or requiring the Corps of  
8 Engineers to approve a permit that may have an impact  
9 on tribal cultural or natural resources.

10 (b) CONTENTS.—The review required under sub-  
11 section (a) shall examine and assess the following:

12 (1) How tribal consultation rules apply to the  
13 permitting process, especially for projects not on  
14 tribal lands but which may still be contiguous to  
15 such lands or affect tribal cultural and natural re-  
16 sources.

17 (2) How the Corps of Engineers defines mean-  
18 ingful consultation.

1           (3) Whether the current process adequately  
2           considers tribal interests including environmental,  
3           social, health and well-being of tribal members.

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

7           (5) How the Corps of Engineers determines a  
8           project's impact on tribal communities including the  
9           Corps ability to protect cultural and natural re-  
10          sources such as water.

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

20          (7) The role of headquarters in overseeing trib-  
21          al consultation being done at the District and Divi-  
22          sion levels.

23          (8) The effectiveness of the dispute resolution  
24          process that has been developed to elevate tribal con-

1           cerns to higher levels of Corps of Engineers over-  
2           sight and review.

3           (9) Whether the Corps should undertake a rule-  
4           making process related to its tribal consultation poli-  
5           cies and procedures.

6           (c) CONSULTATION.—In completing the review re-  
7           quired under subsection (a), the Secretary shall provide  
8           for public and private meetings with Indian tribes and  
9           other stakeholders.

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

14                 (1) the results of the review;

15                 (2) any proposed changes to the tribal consulta-  
16                 tion policies determined necessary as a result of the  
17                 review; and

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

