



NATIONAL CONGRESS OF AMERICAN INDIANS

Testimony of the National Congress of American Indians on FY 2003 Department of Energy Appropriations

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On behalf of the National Congress of American Indians (NCAI) and its more than 200 member tribal nations, we are pleased to have the opportunity to present written testimony on FY 2003 appropriations for the Department of Energy.

The tragic events of September 11 brought forth the strength and the determination of our nation to survive in the face of adversity. It is this same spirit that has carried Indian Country through years of annihilation and termination. It is this same spirit that has propelled Indian Nations forward into an era of self-determination. And it is in this same spirit of resolve that Indian Nations come before Congress to talk about honoring the federal government's treaty obligations and trust responsibilities throughout the FY 2003 budget process.

The federal trust responsibility represents the legal obligation made by the U.S. government to Indian tribes when their lands were ceded to the United States. This obligation is codified in numerous treaties, statutes, Presidential directives, judicial opinions, and international doctrines. It can be divided into three general areas – protection of Indian trust lands; protection of tribal self-governance; and provision of basic social, medical, and educational services for tribal members.

NCAI realizes that Congress must make difficult budget choices this year. As elected officials, tribal leaders certainly understand the competing priorities that members of Congress must weigh over the coming months. However, the fact that the federal government has a solemn responsibility to address the serious needs facing Indian Country remains unchanged, whatever the economic or political climate may be. We at NCAI urge you to make a strong commitment to meeting the federal trust obligation by fully funding those Department of Energy programs that are vital to the creation of vibrant Indian Nations.

Office of Energy Efficiency and Renewable Energy

The Solar Program within the Office of Energy Efficiency and Renewable Energy provides electricity restructuring technical assistance and analysis to state and tribal decisionmakers to achieve renewable and energy efficiency goals. It also provides for competitive solicitation for cost-

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shared awards for renewable and hybrid field feasibility studies and validation projects. We support the Administration request of \$87 million for the Solar Program.

In the Renewable Indian Energy Resource Program, the NCAI strongly urges enactment of the proposed \$8.3 million funding level, which would help tribes with much-needed capacity building activities.

NCAI also supports the proposed increase for the Weatherization Assistance to \$277.1 million. This funding level would greatly assist in the delivery of cost-effective, energy efficient improvements to lower-income households.

Office of Environmental Management

The Office of Environmental Management Office of Public Accountability (EM-11) funds cooperative agreements with several tribes that are participating in the cleanup and restoration of federal facilities and lands impacting tribal environmental quality. Funding for tribal cooperative agreements has been frozen for the past five years, while the scope of program issues and activities has expanded. We urge increased funding for all tribal cooperative agreements in order to provide realistic resources to the tribes involved in cleanup and environmental restoration programs.

Under the President's budget request, Hanford Site activities would receive up to \$800 million for expedited cleanup efforts in FY 2003. The amount and timing of the increase proposed for the Hanford Site is dependent upon an agreement between Washington State, the Department of Energy, and the Environmental Protection Agency. Because the Hanford Site is on ceded lands of the Umatilla, Yakama, and Nez Perce tribes, these governments should be included as a consenting and planning party before finalization of cleanup goals, objectives, and implementation.

Office of Civilian Radioactive Waste Management

The Administration has proposed a \$150 million increase for the Office of Civilian Radioactive Waste Management Programs, which oversees development of a high-level radioactive waste and spent nuclear fuel repository at Yucca Mountain in Nevada. The funding increase would be utilized for completing characterization studies, program integration, and waste acceptance and transportation services.

The State of Nevada and ten counties surrounding Yucca Mountain have received several million dollars for scientific review of the studies, yet tribal governments have not received funding for oversight activities or review and analysis of technical assessments. We urge the Subcommittee to direct the Department of Energy to provide at least \$10 million for impacted tribes to assess the full range of impacts of the Yucca Mountain repository to their homelands and culture. The Yucca Mountain Project Office has identified and worked with impacted tribes and should

immediately implement a consultation and funding outreach with impacted tribal governments.

Conclusion

Thank you for this opportunity to present written testimony regarding the FY 2003 appropriations for the Department of Energy. The National Congress of American Indians calls upon Congress to fulfill the federal government's fiduciary duty to American Indians and Alaska Native people. This responsibility should never be compromised or diminished because of any political agenda or budget cut. Tribes throughout the nation relinquished their lands and in return received a trust obligation, and we ask that Congress maintain this solemn obligation to Indian Country and continue to assist tribal governments as we build strong, diverse, and healthy nations for our people.