



# NATIONAL CONGRESS OF AMERICAN INDIANS

## THE NATIONAL CONGRESS OF AMERICAN INDIANS

### RESOLUTION #SPO-01-018

#### EXECUTIVE COMMITTEE

PRESIDENT  
Tex G. Hall  
*Mandan, Hidatsa, Arikara Nation*

FIRST VICE-PRESIDENT  
Joe A. Garcia  
*Ohkay Owingeh  
(Pueblo of San Juan)*

RECORDING SECRETARY  
Colleen F. Cawston  
*Colville Confederated Tribes*

TREASURER  
Alma Ransom  
*St. Regis Mohawk Tribe*

#### **Title: To Secure a Federal Tax Credit For the Production of Oil and Gas Reserves Held in Trust for Indian Tribes and Individual Indians**

**WHEREAS**, we, the members of the National Congress of American Indians in our own distinct territories, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, the United States Constitution vests the Federal Government with the exclusive authority over relations with Indian Nations, and the Constitution itself recognizes the sovereign authority of Indian Nations; and

**WHEREAS**, in accordance with the Constitution, through numerous treaties agreements, and statutes, the United States has guaranteed the inherent right of Indian Nations to self-government, and pledge to protect Indian tribes, including tribal lands and trust resources; and

**WHEREAS**, Indian Nations have the inherent sovereign authority to tax reservation Indians as well as non-Indians who enter tribal lands or do business with the tribal government or its members; and

**WHEREAS**, in *Cotton Petroleum Corp. v. New Mexico*, 490 U.S. 163, the U.S. Supreme Court permitted the state to impose severance taxes on non-Indian activities involving the on-reservation production of Indian oil

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and gas reserves, a decision which establishes a dual taxation burden on tribal non-renewable trust resources; and

**WHEREAS**, the United States Congress has provided incentives, including Federal tax credits, for the oil and gas industry to enter into Federal oil and gas leases, thereby making Indian leases economically less competitive for development; and

**WHEREAS**, the United States has a longstanding policy supporting Indian self-determination and economic self-sufficiency, yet most reservation Indians continue to suffer from devastating poverty and unemployment, unparalleled in other jurisdictions within the United States, and to address these conditions, some Indian Nations have exercised their inherent sovereign authority to impose oil and gas severance taxes within their territorial boundaries; and

**WHEREAS**, the United States Congress has the power to address the dual taxation of tribal non-renewable resources by providing oil and gas lessees of Indian leases a Federal tax credit for the production of tribal resources; and

**WHEREAS**, a Federal tax credit for lessees who produce oil and gas on tribal lands would address the dual taxation of tribal non-renewable resources, which would stimulate production thereby contributing to both the Nation's energy policy of boosting domestic production to decrease reliance on foreign production enhancing economies in Indian Country.

**NOW THEREFORE BE IT RESOLVED**, that the NCAI does hereby fully support and proclaim that the continued dual taxation of tribal oil and gas reserves creates an adverse economic environment in contravention of the Federal policy of self-determination and strong economic development in Indian Country; and

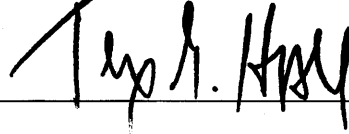
**BE IT FURTHER RESOLVED**, that NCAI does hereby assert that the United States Congress should enact legislation to provide a Federal tax credit for the production of oil and gas from Indian leases held in trust for, or held with restriction against alienation by Indian Nations and Indian individuals; and

**BE IT FURTHER RESOLVED**, that the NCAI does hereby support this resolution and hereby authorizes the NCAI President, Officers, Executive Committee, and other duly named representatives to organize and lobby the United States Congress and Executive Branch for the purpose of securing a Federal tax credit for the production of oil or gas leases held in trust for, or held with restrictions against alienation by, Indian Nations and Indian individuals; and

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted at the 58<sup>th</sup> Annual Session of the National Congress of American Indians, held at the Spokane Convention Center, in Spokane, Washington on November 25-30, 2001 with a quorum present.



Tex Hall, President

ATTEST:



Colleen F. Cawston, Recording Secretary

Adopted by the General Assembly during the 58<sup>th</sup> Annual Session of the National Congress of American Indians, held at the Spokane Convention Center, in Spokane, Washington on November 25-30, 2001.