



NATIONAL CONGRESS OF AMERICAN INDIANS

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RESOLUTION #SPO-01-038

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Title: To Enact National Legislation to Remove Policy and Regulation Barriers for Energy Project Development on Tribal Lands and Establish an Office of Indian Policy and Programs at the Department of Energy

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 Federal government has a trust responsibility to tribes that is a legally enforceable fiduciary obligation of the United States to protect tribal lands, assets, resources and treaty rights, as well as a duty to carry out the mandates of federal law with respect to American Indian and Alaskan Native tribes; and

WHEREAS, Indian Reservations are grossly under served by electricity services. Tribal members have the highest percentage of homes without electricity. Many homes on reservations are without electricity and many more have unreliable service. Adding to the problem is the fact that the Indian population is growing at a rate three times that of the national average. Unlike other governments, tribal governments have very little control over the quality of electric service yet tribal members living on reservations spend more of their often meager incomes on electricity than the rest of the population; and

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WHEREAS, Indian tribes own a large share of the Nation's untapped energy resources and proper development of generation, transmission and delivery projects on reservations would result in significant socioeconomic benefits both to tribal members and to the rest of the Nation; and

WHEREAS, tribal government sovereignty is the joint responsibility of the Federal Government and the Nation's more than 550 federally recognized tribes. All agencies of the Federal Government share in the trust responsibility to preserve and protect tribal land and resources, including the assurance that both renewable and non-renewable tribally owned resources are used to the maximum advantage of tribal owners; and

WHEREAS, the Department of Energy is best equipped to coordinate interagency activities related to the development of American Indian tribal government energy resource development. Working cooperatively with the federally recognized tribes, the Department of Energy should coordinate an interagency approach with the Departments of the Interior, Health and Human Services, Defense, Commerce, and Agriculture and related agencies to advance the dual Federal/Tribal goals of tribal economic self-determination and self-sufficiency; and

WHEREAS, existing legal, regulatory and anticompetitive barriers to development of tribal energy resources need to be removed and as trustee for tribes and tribal resources, and pursuant to its broad power of Indian affairs under the Indian Commerce Clause of the Constitution, the Congress must take the lead in that effort. Energy resource development on Indian reservations is also impeded by the prospect of double taxation by tribal and state governments of non-Indian owned enterprises on Indian land that, in turn, restrict opportunities for tribal member employment and undermine the sovereign authority of tribal governments to tax reservation business activities; and

WHEREAS, in addition to the huge energy share, there are significant underutilized human resources on reservations that could be utilized to improve tribal economies through energy development thus improving the quality of life on Indian Reservations; and

WHEREAS, the United States depends on imports for 25 percent of its total energy needs and for 60 percent of its petroleum needs. Tribal governments can be part of the solution to America's energy crisis if undeveloped resources can be rid of the uncertainties of the current regulatory environment. Outdated interconnection requirements and the inability to attract investment capital are in large part due to regulations and laws that impede tribal energy development and those federal barriers to tribal energy efficiency need to be removed; and

WHEREAS, the goal of the Congress and the tribes is that by the Year 2010 each sovereign Indian tribe will have sufficient and reliable supply of electricity at reasonable costs to support its social and economic well being.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby assert that the United States Congress should enact legislation to address tribal energy self-sufficiency, to remove policy barriers for developing new generation and transmission projects; and

BE IT FURTHER RESOLVED, that NCAI does hereby support legislative action to establish an Office of Indian Energy Policy and Programs at the Department of Energy. The Office is to establish programs to assist tribes to meet energy needs through education, research and development, planning and management. The Office will provide grants for renewable and conventional energy development, energy efficiency, and conservation programs, studies and planning, constructing, developing, operating, maintaining, and improving tribal electrical generation, transmission, and distribution facilities; and

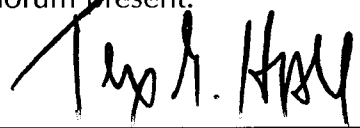
BE IT FURTHER RESOLVED, that NCAI does hereby assert that DOE Office of Indian Energy and Policy and Programs will: provide grants to Indian tribes and Alaskan Native Villages and corporations, adequately staffed to support over 300 nations in the lower 48 states and over 200 nations in Alaska; and will be funded with a percentage set-aside for all appropriations for renewable energy, energy efficiency and conservation, fossil fuels and energy grants to states; and

BE IT FURTHER RESOLVED, that NCAI does hereby support federal governmental action to require open access to all transmission and distribution facilities serving tribes for all power they may buy or sell; 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 58th 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 58th Annual Session of the National Congress of American Indians, held at the Spokane Convention Center, in Spokane, Washington on November 25-30, 2001.