

**THE NATIONAL CONGRESS OF
AMERICAN INDIANS**

RESOLUTION #SPO-01-084

Title: Tribal Government Support for Re-authorization of the Federal Superfund Tax and Other CERCLA Issues

WHEREAS, we, the members of the National Congress of American Indians of the United States, 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, Indian people and tribal resources continue to be threatened by hazardous contamination throughout Indian Country and Alaska; and

WHEREAS, the federal Comprehensive Environmental Response, Compensation and Liability Act, as amended by the Superfund Amendments and Reauthorization Act (CERCLA/Superfund), is the federally created and statutorily authorized and funded system for addressing hazardous substance emergencies and protecting public health and the environment through the clean up of the worst hazardous waste sites; and

WHEREAS, over two hundred National Priorities List Superfund sites and hundreds of other contaminated sites threaten the health and welfare of tribal communities and resources; and

WHEREAS, the CERCLA/Superfund program implementation limits the extent to which Tribal Governments are consulted in the investigation, assessment, remediation and other decisions regarding the contamination of tribal resources; and

WHEREAS, the Environmental Protection Agency (EPA), the Agency for Toxic Substances

and Disease Registry (ATSDR), the Department of Justice (DOJ), Department of Interior (DOI), the Coast Guard (USCG), the National Oceanic and Atmospheric Administration (NOAA), the Federal Emergency Management Agency (FEMA), and the Occupational Safety and Health Administration (OSHA) receive Superfund monies as part of the federal constellation of agencies with CERCLA/Superfund responsibilities; and

WHEREAS, Tribal Superfund Programs are not sufficiently funded to engage Tribal governments in order to fully address contaminated sites issues, including the coordination of the array of federal agencies involved in the CERCLA processes; and

WHEREAS, a gross inequity exists between the funding that goes to States and that going to the Tribes and this situation continues to threaten the effectiveness of the statute and the accompanying regulations that are in place to protect human health and the environment; and

WHEREAS, the taxing authority for Superfund ended in 1995, and has not been reauthorized by Congress; and

WHEREAS, the Superfund Trust Fund does not currently hold the amount of funding necessary to address the NPL sites and the other sites yet to be appropriately investigated and considered for listing.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby support the reauthorization of taxes on petroleum and chemical companies and the environmental income tax that will adequately fund the Superfund Trust Fund; and

BE IT FURTHER RESOLVED, that any CERCLA/Superfund amendments must strengthen the Superfund Program by increasing appropriations for pre-remedial site activities for Tribal Government Programs and additional funding to Tribal Governments for non-site specific core programs and cooperative agreements; and

BE IT FINALLY RESOLVED, that any CERCLA/Superfund reforms be limited to an increased role and funding in remedial decisions for Tribal Governments and no further diminution of federal oversight responsibility; and

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 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.