



# NATIONAL CONGRESS OF AMERICAN INDIANS

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### RESOLUTION #MSH-01-035

#### **Title: Recommendations for the Administration and the United States Congress Regarding the Development of Tribal Energy Resources, Generation, Transmission, Distribution, and Interconnection**

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**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 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, largest, and most representative national American Indian and Alaska Native tribal government organization; and

**WHEREAS**, NCAI further supports the goal of ensuring that, by the year 2010, all Indian tribes have a sufficient and reliable supply of electricity at a reasonable cost to support tribal social and economic development and well-being; and

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

**WHEREAS**, tribal governments can be a part of the solution to America's energy crisis if legal, regulatory, and anti-competitive barriers to the development of tribal resources can be removed; and

**WHEREAS**, some of the barriers to the development of tribal energy resources include difficulty accessing transmission and distribution facilities, cumbersome federal approval and regulatory processes, lack of investment capital, and the prospect of double taxation by tribal and state governments of non-Indian owned enterprises on tribal lands; and

**WHEREAS**, tribal governments have invested significant resources in conservation, regulation, and protection of cultural and natural resources, and therefore are best suited to regulate the development of tribal natural resources; and

**WHEREAS**, the Administration, as trustee for Indian tribes and tribal resources, and the Congress, pursuant to its authority under the Indian Commerce Clause, must take the lead to remove these barriers that impede development of tribal energy resources, restrict opportunities for tribal economic development and employment, and undermine the sovereign authority of tribal governments to regulate and tax business activities on Indian lands; and

**WHEREAS**, Indian lands 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; and

**WHEREAS**, the Indian population is growing at a rate of three times that of the national average and, unlike other governments, tribal governments have very little control over the quality of electric service; and

**WHEREAS**, energy efficiency and conservation measures are essential features of any realistic strategy to make energy services affordable and reliable, but federal programs to assist states and local governments in promoting energy conservation have not consistently included tribal governments, but have been block-granted through states and have rarely reached tribal communities; and

**WHEREAS**, tribal members living on Indian lands spend more of their often lower-than-average incomes on electricity than the rest of the population; and

**WHEREAS**, in addition to undeveloped and under developed tribal energy resources, there are significant underutilized human resources on Indian lands that could be mobilized to improve tribal economies through energy and electricity development, thus improving the quality of life on Indian lands; and

**WHEREAS**, 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 managed in a manner that maximizes their value for the tribal owners.

**NOW THEREFORE BE IT RESOLVED**, that NCAI urges the Administration to undertake policy, regulatory, budgetary, and other initiatives to remove barriers to, and to advance and support tribal efforts to develop tribal energy resources, generation, transmission, and distribution as part of the solution to the nation's energy crisis and to ensure that all Indian tribes have a sufficient and reliable supply of electricity at reasonable costs; and

**BE IT FURTHER RESOLVED**, that NCAI urges the United States Congress to enact legislation to remove barriers to and to advance and support tribal efforts to develop tribal energy resources, generation, transmission, distribution and interconnection, energy conservation and energy efficiency as part of the solution to the nation's energy crisis and to ensure that all Indian tribes have a sufficient and reliable supply of electricity at reasonable costs; and

**BE IT FURTHER RESOLVED**, that interconnect and power flow studies on federal transmission systems tangent to reservations be authorized and funds appropriated for interconnection of renewable and non-renewable energy generated on Indian lands; the authorized study should include provisions for Tribal engineering review teams; and the power marketing administrations be authorized to purchase energy from Indian energy projects based on Indian lands; and

**BE IT FURTHER RESOLVED**, that NCAI further urges the U.S. Congress to appropriate such sums as are necessary to advance and support tribal efforts to develop tribal energy resources, generation, transmission, distribution and interconnection as part of the solution fo the nation's energy crisis and to ensure that all Indian tribes have a sufficient and reliable supply of electricity at reasonable costs; and

**BE IT FINALLY RESOLVED**, that Congress direct federal agencies that administer energy assistance programs to review their programs to ensure that these programs are available to tribal governments at adequate funding levels and restore direct funding of the Department of Energy Weatherization programs to Tribal governments based on tribally identified needs.

**CERTIFICATION**

The foregoing resolution was adopted at the 2001 Mid-Year Session of the National Congress of American Indians, held at Foxwoods Resort Casino in Mashantucket, Connecticut on May 13-16, 2001, with a quorum present.



Susan Masten, President

ATTEST:

  
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Juana Majel, Recording Secretary

Adopted by the General Assembly during the 2001 Mid-Year Session of the National Congress of American Indians, held in Mashantucket, Connecticut on May 13-16, 2001.