



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #MOH-04-004

TITLE: In Support of Reauthorizing Surface Mining Control and Reclamation Act of 1977

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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 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 Congress enacted the Surface Mining Control and Reclamation Act (SMCRA) of 1977 to regulate surface coal mining and promote the reclamation and restoration of abandoned mines in order to repair the environmental and physical hazards created by such activities; and

WHEREAS, SMCRA's AML authorizes Tribes who have surface mining activities on their lands to receive an allocation of funds collected by the United States and placed into the Abandoned Mine Lands (AML) trust fund and to use those funds to reclaim abandoned coal mines and for the remediation of the social and community disruption caused by surface mining; and

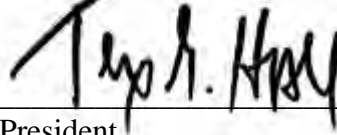
WHEREAS, SMCRA authorization will sunset in September 2004 unless reauthorized by Congress.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby support the timely reauthorization by Congress of SMCRA and its AML provisions.

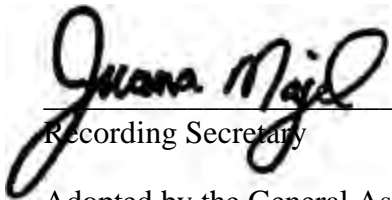
BE IT FINALLY RESOLVED, that NCAI staff will work with affected tribes to advocate for a continuation of the AML fund benefits to affected tribes, including a full refund to affected tribes of the state share balance paid from fee assessments attributed to surface mining on tribal lands into the AML trust fund and to advocate for inclusion of language that allows tribes to use their AML funds for public benefit projects in impacted communities as authorized in SMCRA, Section 403(a)(4) and (5).

CERTIFICATION

The foregoing resolution was adopted at the 2004 Mid-Year Session of the National Congress of American Indians, held at the Mohegan Sun Hotel and Casino, Uncasville, CT on June 23, 2004 with a quorum present.



President

ATTEST:

Recording Secretary

Adopted by the General Assembly during the 2004 Mid-Year Session of the National Congress of American Indians, held at the Mohegan Sun Hotel and Casino, in Uncasville, CT on June 23, 2004.