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Gila River Community
Cortina Rancheria

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FOR IMMEDIATE RELEASE
June 2, 2008

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National Tribal Environmental Council Actively Encourages Senators to Pass Tribal-Friendly Global Climate Change Legislation

The National Tribal Environmental Council (NTEC), on behalf of its membership of 184 federally-recognized Indian tribes and Alaska Native villages, has written to 62 U.S. Senators from states with tribal communities to request their support for the Lieberman-Warner Climate Security Act of 2008, which the Senate is scheduled to debate this week.

The Act is the U.S. Congress' first effort to write and enact comprehensive legislation that takes measurable steps to address global warming and move the United States away from uncontrolled greenhouse gas emissions. Senator Barbara Boxer (D-CA), chairman of the Senate Environment & Public Works Committee, and committee members Joseph Lieberman (I-CT) and John Warner (R-VA), are its principal authors.

"We appreciate and admire," said Kirk Francis, Chief of the Penobscot Indian Nation and chairman of NTEC's executive committee, "the work that this bi-partisan group of Senators has done to shepherd this far-reaching bill through the challenges of subcommittee and full committee debate, to impending consideration by the full Senate."

When a draft bill was first circulated in the fall of 2007, it barely scratched the surface of the unique historical, legal, demographic and ecological concerns of Indian tribes and Alaska Natives. NTEC and its members have since advocated persistently for greater recognition and tribal-friendly solutions, based on a fundamental premise -- native people are dealing with the increasingly negative impacts of climate change on their land, water, fish, wildlife, cultural and tourism resources, but have done little to cause those impacts. As has happened often, tribal communities shoulder a disproportionate burden of negative environmental consequences created by industry and commerce, and in this case, by global warming.

"Fortunately for everyone," Chief Francis continued, "the three lead Senators and their staffs were willing to not only seek out and listen to our concerns, but to write tribal provisions and solutions into the bill at every step of its development, from last fall right up until they released their latest, improved version of the bill last week."

A bi-partisan group of U.S. Senators -- Max Baucus (D-MT), Jeff Bingaman (D-NM), Susan Collins (R-ME), Byron Dorgan (D-ND), Tim Johnson (D-SD), Lisa Murkowski (R-AK) and Jon Tester (D-MT) -- have all stepped forward to advocate with the authors for more robust benefits for tribes and a more appropriate role for them in general. Some of the legislative provisions that the three lead Senators have added over time include:

- o Creating a set-aside of cap-and-trade allowances available to Indian tribes and Alaska Native villages, to recognize and address unique legal and environmental circumstances of their status under the U.S. Constitution, treaties and longstanding legal precedence;
- o Establishing a Tribal Climate Change Assistance Fund, where the proceeds from auctioned allowances would be deposited for future use by tribes;
- o Authorizing a negotiated rulemaking process that requires the U.S. Environmental Protection Agency to form an advisory committee including tribal leaders to design, regulate and manage the set-aside of allowances, to assure effective tribal input in developing a distribution formula;
- o Omitting any requirements, such as exist in some federal statutes, for tribes to obtain treatment-as-a-state (TAS) status, which would present a real impediment for many tribes to gain full access to some of the resources made available under the legislation; and
- o Providing not only states but also tribes access to 1/6th of the substantial funds that will be collected for the Land and Water Conservation Fund to carry out activities designed to allow communities to adapt to climate change impacts.

“All of these provisions, and others, are very positive and much appreciated,” said Chief Francis. “As always there is room for improvement, such as decoupling the tribes' set aside of cap-and-trade allowances from that of the states, and authorizing more funds for tribes to improve the energy efficiency of buildings of all kinds. However, since the bill is unlikely to pass both houses of Congress and be signed into law by a new president until 2009 at the earliest, we have time to advocate further. As it is, the Act is more than a good start; it is an outstanding work in progress that merits widespread support.”

NTEC's and its members' advocacy on the Lieberman-Warner Climate Security Act is consistent with their belief that climate change is the most pressing environmental issue of our time, with strong impacts on air, water, land and the overall ecosystem.

“Senators Boxer, Lieberman and Warner deserve real credit for leading the U.S. government down the long, challenging path we all need to take to greatly reduce the harmful impact of human activities on Mother Earth,” concluded Chief Francis. “Native people deserve and appreciate the opportunity they have provided us to join in, and we are committed to encouraging their fellow Senators to pass this bill as soon as possible.”

The National Tribal Environmental Council (NTEC) was formed in 1991 as a membership organization dedicated to working with and assisting tribes in the protection and preservation of tribal environments. The organization's membership is open to any federally-recognized tribe throughout the United States. Although NTEC is a membership organization, its services are provided to all federally-recognized tribes.