

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0022-20_____

SPONSOR: Rickie Nez

TITLE: An Action Relating to Naabik'iyáti Committee; requesting the United States Congress to Reauthorize the Surface Mining Control and Reclamation Act of 1977

Date posted: January 23, 2020 at 6:24pm

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Office of Legislative Services
P.O. Box 3390
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(928) 871-7590

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0022-20

DATE: January 16, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO NAABIK'ÍYÁTI'
COMMITTEE: REQUESTING THE UNITED STATES CONGRESS TO REAUTHORIZE
THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977

PURPOSE: The purpose of the resolution is to request the United States Congress to reauthorize the Surface Mining Control and Reclamation Act of 1977 with the following provisions:

1. Extend SMCRA authorization for fifteen (15) years.
2. Adjust the AML fees for inflation.
3. Revise the AML 50/50 AML fee split between U.S. Office of Surface Mining (OSM) and Indian Tribes to 20% to OSM and 80% to Indian Tribes.
4. Reimburse Indian Tribes for AML withheld since fiscal year 2013 as a result of the Budget Control Act of 2011 (commonly referenced as sequestration).
5. Add AML fee collection to the list of federal programs that are exempt from sequestration.
6. Authorize additional appropriations from the United States Treasury for certified AML program.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

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PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL—Second Year, 2020

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0022-20

AN ACTION

RELATING TO NAABIK'ÍYÁTI' COMMITTEE; REQUESTING THE UNITED STATES CONGRESS TO REAUTHORIZE THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977

WHEREAS:

- A. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation Council standing committee and as such empowered the Naabik'iyáti' Committee to coordinate all state programs, including education in public schools. *See* 2 N.N.C. §§ 700 (A), 701 (A)(6).
- B. The Navajo Nation has a government-to-government relationship with the United States government.
- C. The United States Congress enacted the Surface Mining Control and Reclamation Act (SMCRA) of 1977, Title 30--Mineral Resources, CHAPTER VII--Office of Surface Mining Reclamation and Enforcement, Department of the Interior, Parts 700 to 999, Public Law 95-87, to regulate surface coal mining and promote the reclamation and restoration of abandoned mines land (AML) in order to repair the environmental and physical hazards created by such activities.
- D. As part of the tribal mineral estate, coal is a tribal trust resource and belongs to the respective Indian Tribes and people.

- 1 E. There is over 50 million tons of coal in Indian Country [extrapolated data from the
2 U.S. Energy Information Administration, Annual Coal Report 2018 (October 2019)]
3 with three Indian Tribes—the Navajo Nation, the Hopi Tribe and the Crow Tribe—
4 actively developing their coal resources.
- 5 F. SMCRA's Title IV authorizes Tribes which have surface mining activities on their
6 lands to receive an allocation of funds collected by the United States, place those
7 funds into the AML Trust Fund, and to use those funds to reclaim abandoned coal and
8 non-coal mines; and when certified, these funds can be used for community projects
9 impacted by mining activities. The Navajo Nation has achieved certified status.
- 10 G. Through SMCRA, the Navajo Nation AML Department uses thorough, innovative
11 and cost effective measures to successfully address abandoned coal mines, mining
12 related problems on tribal homelands, including addressing community disruption
13 caused by mining and funding community projects.
- 14 H. SMCRA authorization will sunset in September 2021 unless reauthorizes by
15 Congress.

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17 **THEREFORE, BE IT RESOLVED:**

- 18 A. The Navajo Nation hereby requests the United States Congress to reauthorize the
19 Surface Mining Control and Reclamation Act of 1977 with the following provisions:
- 20 1. Extend SMCRA authorization for fifteen (15) years.
 - 21 2. Adjust the AML fees for inflation.
 - 22 3. Revise the AML 50/50 AML fee split between U.S. Office of Surface Mining
23 (OSM) and Indian Tribes to 20% to OSM and 80% to Indian Tribes.
 - 24 4. Reimburse Indian Tribes for AML withheld since fiscal year 2013 as a result of
25 the Budget Control Act of 2011 (commonly referenced as sequestration).
 - 26 5. Add AML fee collection to the list of federal programs that are exempt from
27 sequestration.
 - 28 6. Authorize additional appropriations from the United States Treasury for certified
29 AML program.
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B. The Navajo Nation hereby authorizes the Speaker of the Navajo Nation Council, President of the Navajo Nation, and their designees, to advocate the Navajo Nation's request to reauthorize the Surface Mining Control and Reclamation Act of 1977.