

Talking Points Concerning Tribal Issues and S.2191

- The term “tribal communities” is frequently used in the bill but it is a vague term that could open up resources to a larger number of groups than what might be intended; all references to “tribal communities” should therefore be changed to “Indian tribes”
- The EPA is directed to establish a program for tribal communities to oversee management of the 0.5 percent general tribal set-aside; to better assure that government-to-government consultation occurs between the federal government and tribes, a negotiated rulemaking process should be used that requires the Agency to form an advisory committee to include tribal leaders from each EPA region to design, establish controls, and provide overall management of the program
- The 0.5 percent general tribal set-aside is limited to activities that address disruption and dislocation as a result of climate change; the scope of activities should be increased to include the kind of activities that states are allowed to engage in such as promotion of energy efficiency, investment in renewable energy development, and development and implementation of projects consistent with sustainable use of water resources
- The scope of activities of the 0.5 percent general tribal set-aside should also include the development of greenhouse gas emission inventories, providing tribes with the baseline data from which they can begin to reduce their carbon footprint
- The 0.5 percent general tribal set-aside is in the form of physical allowances that would have to be marketed and sold by tribes before they could address climate change impacts; these allowances should be auctioned by the bill’s Climate Change Credit Corporation, an entity likely better equipped to market and sell such allowances, therefore providing tribes with direct monies to address climate change impacts instead of allowances
- The size of the 0.5 percent general and 1 percent adaptation set-asides should be increased, at least by 0.5 percent each if not more, to best serve the needs of the nation’s 562 federally recognized tribes in addressing climate change impacts
- One-sixth of the monies provided for under the Land and Water Conservation Fund is made competitively available to states; these same monies should be made competitively available to tribes
- The Offsets program omits any mention of tribes; tribes should be acknowledged and provided with the necessary resources under the Offsets program to best utilize their agricultural and forestry lands for sequestering carbon and providing them with substantial economic development opportunities
- Section 9004 references section 301(d) of the Clean Air Act - i.e., treatment-as-a-state or TAS status; tribes should not be required to have TAS status to access any of the resources made available under the bill