



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #TUL-13-020

### **TITLE: Requesting Clarification that Indian Water Rights Settlements Should be Exempt from an Earmark Moratorium**

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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 Earmark Moratorium Guidance adopted by the House of Representatives stipulates that the earmark moratorium impacts member appropriation requests and individual authorizing bills that members have sponsored or co-sponsored; and

**WHEREAS**, some members of the House of Representatives have interpreted the earmark moratorium as encompassing and therefore prohibiting the introduction of Indian water rights settlement legislation; and

**WHEREAS**, Indian water rights settlements resolve outstanding legal and equitable claims against the United States and fulfill the federal government's obligation to manage water resources held in trust on behalf of Native American tribes; and

**WHEREAS**, the process for tribes to quantify their water rights and assert claims against the United States for mismanagement of water rights can take decades and become exceedingly expensive for the tribes and the federal government; and

**WHEREAS**, the enactment of legislation to settle these claims is a more efficient and cost-effective alternative to endless litigation; and

**WHEREAS**, it is the custom for Members of Congress who represent a particular reservation to introduce water rights settlement legislation on behalf of that tribe; and

**WHEREAS**, Indian water rights settlements enable claims against the United States to be settled definitively while providing cost savings to the government and taxpayers; and


**WHEREAS**, Indian water rights settlements are fundamentally different than the type of earmark spending that the House of Representatives has intended to limit because such settlements provide certainty with respect to water uses for all water users in a given geographic area and are a direct function of the United States' trust responsibility to provide water to tribes to fulfill the homeland purposes for which their reservations have been created.

**NOW THEREFORE BE IT RESOLVED**, that NCAI calls upon the U.S. Congress to clarify that Indian water rights settlements do not fall within the definition of earmarks that are currently prohibited under the House of Representatives earmark moratorium; and

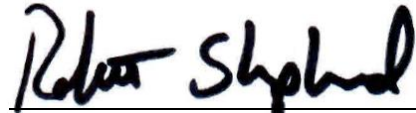
**BE IT FURTHER RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

**CERTIFICATION**

The foregoing resolution was adopted by the General Assembly at the 2013 Annual Session of the National Congress of American Indians, held at the Cox Business Center from October 13 - 18, 2013 in Tulsa, Oklahoma with a quorum present.

  
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President

**ATTEST:**

  
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Recording Secretary