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The National Congress of American Indians
Resolution #DEN-07-069

TITLE: Use of the Reclamation Fund for Indian Water Rights Settlements

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 settlement of Indian water rights claims is one of the most important aspects of the United States' trust obligations to Native Americans and is of vital importance to the country as a whole; and

WHEREAS, despite the Department of the Interior's (DOI's) long-standing policy favoring the settlement of Indian water rights claims, the Administration has taken an increasingly narrow and restrictive view of its responsibility to fund Indian water rights settlements; and

WHEREAS, under current budgetary policy of the Administration, funding of Indian water rights settlements must be offset by a corresponding reduction in some other discretionary component of the DOI's budget, putting Indian tribes in the untenable position of having to seek funding of these settlements at the expense of some other tribe or essential DOI program; and

WHEREAS, there are currently three Indian water rights settlements affecting six tribes already signed and completed in New Mexico for which federal funding is necessary, including the Aamodt settlement, to which the Pueblo of Tesuque is a signatory; and

WHEREAS, nationwide many other tribes are working on water settlements for which federal funding is necessary; and

WHEREAS, under the Reclamation Act of June 17, 1902, the Reclamation Fund was envisioned as the principal source of funds to finance water development in the seventeen western states, with revenues accruing from project water and power sales, project repayments and receipts from public land sales, federal oil and mineral-related royalties, and other related sources; and

WHEREAS, the unobligated balance in the Reclamation Fund has grown annually in recent years and should serve as a source of funding for Indian water rights settlements.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby support the policy of encouraging negotiated settlements of Indian water rights disputes as the best solution to a critical problem that affects almost all of the western states of the United States; and

BE IT FURTHER RESOLVED, that the NCAI urges the Administration to support its stated policy in favor of Indian water rights settlements with a strong fiscal commitment for meaningful federal contributions to these settlements that recognizes the trust obligations of the United States government; and

BE IT FURTHER RESOLVED, that the NCAI supports changing the current budgetary policy to ensure that any Indian water rights settlement, once authorized by the Congress and approved by the President, will be funded without a corresponding offset to some other tribe or essential DOI program; and

BE IT FURTHER RESOLVED, that the NCAI supports allocation of sources of revenue for the Reclamation Fund to be used to fund Indian water rights settlements and respectfully requests that Congress and the Administration support allocation of monies from the Reclamation Fund or sources paid into it to fund Indian water rights settlements; and

BE IT FURTHER RESOLVED, that the NCAI commits to advocate to the Administration, including the Office of Management and Budget, and Congress that the Reclamation Fund be used to fund Indian water rights settlements; and

BE IT FURTHER RESOLVED, that within four months the NCAI will convene a special water rights meeting with affected tribes and invite key federal agencies to participate. After the initial meeting, NCAI will convene a special water rights meeting at least annually, and report progress to tribal leaders on this resolution at every regular meeting; and

BE IT FINALLY 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 2007 Annual Session of the National Congress of American Indians, held at the Hyatt Regency Denver at the Colorado Convention Center in Denver, Colorado on November 11-16, 2007, with a quorum present.

President

ATTEST:

Recording Secretary