



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ATL-14-014

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TITLE: Support for Legislation Authorizing Federal Financial Support for the Construction, Maintenance and Rehabilitation of Authorized Indian Irrigation and Related Water Projects

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, in the late 1800s and early 1900s, as part of its trust responsibility, the federal government constructed a number of Indian irrigation projects to deliver water to tribes and individual Indians engaged in agriculture; and

WHEREAS, despite its ongoing responsibility to administer and maintain these Indian irrigation projects, the Bureau of Indian Affairs (BIA) has yet to ensure that regular and routine maintenance of the projects is performed, resulting in a deterioration of tribal and individual Indian trust resources; and

WHEREAS, a 2006 study by the federal Government Accountability Office (GAO) estimated that the total cost of backlogged and deferred maintenance required to bring 16 Indian irrigation projects in the western United States back to functional condition equaled \$850 million (*see GAO, Indian Irrigation Projects: Numerous Issues Need to Be Addressed to Improve Project Management and Financial Sustainability (GAO-06-314)*); and

WHEREAS, despite the GAO's findings, BIA has continued to fail to address the condition of Indian irrigation projects and, as more time passes, the projects continue to deteriorate and maintenance costs continue to grow; and

WHEREAS, a number of Indian tribes have worked with the Congress to secure the authorization for the construction of drinking water projects to serve their people, but these projects have not been built or completed; and

WHEREAS, the residents of these reservations suffer due to the lack of potable water and the lack of water also stymies economic development; and

WHEREAS, funding for these projects has been so nominal that some are not even keeping pace with inflation and will therefore conceivably never be completed; and

WHEREAS, such actions are inconsistent with the federal government's fiduciary trust responsibility owed to Indian tribes; and

WHEREAS, the lack of funding for the effective and efficient settlement of Indian water rights claims has hindered the ability of states, tribes and the federal government to reach and fund such settlements; and

WHEREAS, on May 22, 2014, in an effort to address all of these issues, the United States Senate Committee on Energy and Natural Resources favorably reported to the Senate a bill that would establish in the U.S. Treasury a fund to be known as the "Reclamation Rural Water Construction and Settlement Implementation Fund," to include accounts for (1) rural water projects; (2) Indian irrigation; and (3) reclamation infrastructure and settlement implementation, which would be funded in the amount of \$150 million annually for fiscal years 2014 – 2035, and which would direct the allocation of these funds to serve those purposes; and

WHEREAS, if Congress does not act to include a funding mechanism for Indian irrigation and water delivery projects as well as implementation of Indian water rights settlements and pass that legislation, Indian irrigation projects will continue to deteriorate, the costs to the United States of their unmet maintenance, repair and replacement needs will continue to increase, tribes and tribal members will continue to suffer from poor or non-existent delivery of water, and settlements of Indian water rights will continue to languish.

NOW THEREFORE BE IT RESOLVED, that the NCAI hereby calls upon the United States Congress to quickly pass legislation, such as that described in this resolution, to provide a funding mechanism for Indian irrigation and water delivery projects as well as for the implementation of Indian water rights settlements; and

BE IT FURTHER RESOLVED, NCAI calls on Congress to enact legislation to reaffirm the original understanding of the Quiet Title Act that bars suits against Indian trust lands and thereby preserve the sanctity of Indian lands, water rights and appurtenant rights; and

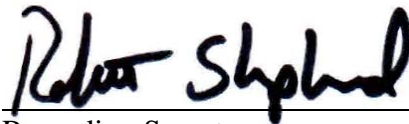
BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2014 Annual Session of the National Congress of American Indians, held at the Hyatt Regency Atlanta, October 26-31, 2014 in Atlanta, Georgia, with a quorum present.


President

ATTEST:


Recording Secretary