

**Opening Statement of Chairman Jared Huffman**  
**Subcommittee on Water, Oceans, and Wildlife**  
**Legislative Hearing**  
**June 26, 2019**

I want to thank everyone for joining us today for an important hearing examining three tribal water bills.

This is an opportunity to learn more about tribal water rights settlements, which both quantify the amount of water a tribe is legally entitled to and provide the infrastructure needed to deliver and treat that water for tribal communities.

The federal government has a longstanding trust responsibility to protect tribes' rights to access and use the water resources they're legally entitled to; however, many tribal water rights today still remain largely undeveloped and unprotected.

This has left many Native communities across the country without clean, reliable water. Tens of thousands of people across Indian country live without running water in their homes even though tribes often hold the most senior water rights in many river basins under the law.

Fortunately, there is a solution in many cases. Negotiated water rights settlements allow tribes, states, the federal government, and other water users to come together to resolve competing water claims and provide tribal governments with the resources to bring clean water to their people.

Tribes could seek access to their water by going to court to quantify and enforce their water rights. But litigation is lengthy, divisive, and costly. Negotiated

settlements have been the preferred avenue to resolve tribal water rights since the 1970s – not only for tribes, but also for states and the federal government under both Republican and Democratic administrations.

The policy of pursuing negotiated water settlements makes a great deal of sense from the federal government’s perspective. When tribes have outstanding claims to water rights, the federal government is at risk from lawsuits for failing to protect those water rights. Protecting tribal water rights is, after all, a federal trust responsibility.

Negotiated water settlements are also preferred by states and other water users who face great uncertainty from litigation. Tribal rights, if fully quantified and exercised, could push other users down the list of priority water rights and jeopardize their water supply. Negotiated settlements negate that risk and uncertainty while providing access to water for communities that have historically been deprived of it.

The simple fact is that negotiated settlements are virtually always a good deal for everyone involved. They bring water to tribal communities and they reduce legal, financial, and water supply uncertainty for all settlement parties.

I look forward to discussing how the settlement negotiation process has worked for the tribes before us today, and how Congress can better support the development of desperately needed water infrastructure for Native communities.

One of the bills we will discuss is H.R. 644, the Navajo Utah Water Rights Settlement Act, sponsored by Ranking Member Bishop.

This bill authorizes the Navajo Utah Water Rights Settlement Agreement, which would resolve the Navajo Nation's federally reserved water rights claims within the State of Utah and provide funding for water supply and treatment infrastructure. The Utah Chapters of the Navajo Nation include more than 2,500 households, nearly half of which lack indoor plumbing.

We will also examine H.R. 2459, the Hualapai (*hwall-a-pie*) Tribe Water Rights Settlement Act, introduced by Representative O'Halleran of Arizona.

This bill would authorize the second and final phase of a Hualapai (*hwall-a-pie*) water rights settlement, which quantifies the Tribe's rights to Colorado River water and provides infrastructure to deliver the water to communities on the Reservation. I understand that the Administration has expressed major concerns with the current version of the proposed Hualapai (*hwall-a-pie*) settlement, and I hope to more closely examine the Administration's basis for these concerns today.

Finally, H.R. 3292, sponsored by Representative Luján, would amend the Aamodt (*Am-Utt*) Litigation Settlement Act to provide additional time and funding to complete crucial water infrastructure for four Pueblos in the Santa Fe, New Mexico area.

As we will see today, every settlement is different, but the negotiation process allows tribes, other water users, the state, and the federal government to come together and develop a tailored solution that benefits all parties.

While this Committee will further explore the details of these three settlement bills, I want to commend the bill sponsors for introducing legislation that aims to resolve

disputes and get clean, reliable water to communities that currently lack water supply certainty.

With a changing climate and strained water supply, now more than ever Native communities need resources to build and improve their water systems.

Indian water rights settlements will continue to play a critical role in the long-term economic viability and sustainability of both tribal and non-tribal communities in the West.

Many of these tribal communities have lacked reliable drinking water supplies for decades, in wet years and dry. It's time to bring about greater equity in terms of our infrastructure investments and water deliveries.

This Congress, the House Natural Resources Committee will work to fulfill the federal government's trust responsibility and legal obligation to provide reliable water supplies to Indian country. Tribes will also have the opportunity to come before this Subcommittee and have their voices heard at every stage of the legislative process.

With that, let me close by saying that I look forward to hearing more about the bills on today's agenda, and I welcome future discussions in this Subcommittee about Indian water rights settlements and the serious problem of drinking water shortages in Indian country.

I will now invite the Ranking Member to say a few remarks.

