



2010 Mid-Year Conference Grand Ronde, Oregon

RESOLUTION #10 - 19

“SUPPORTING CHANGES TO THE PROPOSED *COBELL V. SALAZAR* SETTLEMENT”

PREAMBLE

We, the members of the Affiliated Tribes of Northwest 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 rights secured under Indian Treaties and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of ATNI; and

WHEREAS, at its 2010 Winter Session, ATNI enacted Resolution #10-07, which demanded transparency and time for Indian country to understand the proposed *Cobell v. Salazar* settlement and demanded that Congress conduct hearings to ensure that Indian country has time to consider the fairness of the proposed implementing legislation; and

WHEREAS, on March 10, 2010, the House Committee on Natural Resources held an oversight hearing on the proposed settlement and all of the tribal witnesses at that hearing expressed questions and concerns about the fairness of proposed settlement; and

WHEREAS, on April 27, 2010, Senator John Barrasso, Vice-Chairman of the Senate Committee on Indian Affairs, sent a letter to tribal leaders that proposed five changes to the *Cobell v. Salazar* settlement that address many of the questions and concerns that have been raised by Indian country, specifically:

- (1) capping pre-settlement dates attorneys fees, expenses and costs at \$50 million;
- (2) limiting any “incentive awards” under the settlement to named plaintiffs to actual, unreimbursed out-of-pocket expenses incurred by that plaintiff;
- (3) having the court-appointed Special Master, after receiving recommendations from the parties and subject to the Court’s approval, select the bank that the settlement proposes for holding the settlement funds based on the bank’s experience, institutional capacity to administer large deposits of this nature, competitive rates of interest, and other relevant factors;
- (4) require the Department of the Interior to consult with Indian tribes in planning, designing, and setting the priorities for the \$2 billion fractional interest acquisition program under the settlement and to allow Indian tribes to participate or assist in implementing the program;
- (5) setting aside \$50 million from the \$1.412 billion settlement monies as a reserve fund and authorize the Special Master to increase settlement payments to the members of the new “Trust Administration Class” that would be created pursuant to the settlement, to address specific instances where the Special Master determines the formula payment is insufficient or unfair.

; and

WHEREAS, these changes, if incorporated into the *Cobell v. Salazar* settlement, will free up more funds to flow to Indian beneficiaries and ensure that beneficiaries that may not be treated fairly under the settlement as proposed have an opportunity to have their particular circumstances considered; now

THEREFORE BE IT RESOLVED, that ATNI supports these five changes to the proposed *Cobell v. Salazar* settlement and hereby requests that Congress take whatever steps necessary to ensure that they are incorporated prior to passage of the settlement by the U.S. House of Representatives and the U.S. Senate; and

BE IT FURTHER RESOLVED, that ATNI specifically requests that if these changes are not included in the *Cobell vs. Salazar* settlement prior to consideration of the settlement by the full United States Senate, that the Senate delegations of each state that represents ATNI member tribes sponsor or co-sponsor an amendment to incorporate the changes.

CERTIFICATION

The foregoing resolution was adopted at the 2010 Mid-Year Conference of the Affiliated Tribes of Northwest Indians, held at the Spirit Mountain Casino, Grand Ronde, Oregon, May 17-20, 2010 with a quorum present.



Brian Cladoosby, President



Norma Jean Louie, Secretary