



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ECWS-10-008

TITLE: Demand for Transparency, and Time to Fully Inform Indian Country Regarding Cobell v. Salazar Settlement Terms

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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 parties to the long-standing case of *Cobell v. Salazar* in the U.S. District Court for the District of Columbia have announced they have reached a Settlement Agreement; and

WHEREAS, the proposed settlement requires legislation by the U.S. Congress and approval by the court in order to be effective; and

WHEREAS, the Settlement Agreement reached by the parties on December 7, 2009 was binding only until December 31, 2009 unless authorizing legislation was enacted by that date, or unless the parties extended the expiration date by mutual agreement; and

WHEREAS, Congress did not act by December 31, 2009 and the parties have subsequently extended the expiration date until February 28, 2010; and

WHEREAS, the legislation required to authorize the proposed settlement has yet to be introduced in Congress and referred to the Committees of Jurisdiction over Indian Affairs; and

WHEREAS, no hearings have been held on the legislation required to authorize the settlement by the U.S. House of Representatives; and

WHEREAS, no legislation to authorize the proposed settlement has been printed and made publicly available by either house of the U.S. Congress; and

WHEREAS, the only information available regarding Cobell agreement to tribes and Indian individuals is through web site maintained by the plaintiffs for information on the settlement agreed to by the administration and plaintiffs; and

WHEREAS, NCAI is determined that a settlement of this magnitude demands transparency and time for Indian country to understand what is being proposed to extinguish all their fiscal and trust-related claims against the government.

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby demand that the Congress of the United States conduct hearings to ensure that Indian country has time to consider the likely consequences, transparency, and fairness of the proposed legislation; and

BE IT FURTHER RESOLVED, that the Department of Interior and the Cobell Plaintiffs conduct regional consultation with Indian Country to explain the proposed settlement and answer questions from affected Indian people.

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