



GREAT PLAINS TRIBAL CHAIRMAN'S ASSOCIATION

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GREAT PLAINS TRIBAL CHAIRMAN'S ASSOCIATION (GPTCA)

Resolution No. 29-05-26-10

To Support Amendments to the Cobell Settlement to fix and improve the proposed Cobell v. Salazar settlement agreement and as included in the Tax Extender package. (H.R. 4213)

- WHEREAS,** the Great Plains Tribal Chairman's Association (hereafter "GPTCA") is composed of the elected Chairs and Presidents of the federally recognized sovereign Indian Tribes and Nations within the Great Plains Region of the Bureau of Indian Affairs; and
- WHEREAS,** the Great Plains Tribal Chairman's Association was formed to promote the common interests of the Sovereign Tribes and Nations who are members of the GPTCA; and
- WHEREAS,** the United States has obligated itself to ensure the well-being of sovereign Tribes and Nations of the Great Plains Region both through Treaties and federal statutes, including the Snyder Act of 1921 as amended, the Indian Self-Determination Act of 1976 as amended, and the Indian Health Care Improvement Act of 1976 as amended; and
- WHEREAS,** the GPTCA recognizes its responsibility to act to advance the goals of the Tribes and their Members and to promote improvements to the health, safety welfare, education, economic development and preservation of the spiritual, cultural and natural resources of its member Tribes and Nations; and
- WHEREAS,** on December 7, 2009 a settlement was announced between the US and Eloise Cobell, the lead Plaintiff in the class action suit brought on behalf of Individual Indian Money (IIM) account holders, (not including Tribes) regarding the lawsuit Eloise Cobell filed in federal court in Washington DC, in 1996; and
- WHEREAS,** to be effective, the proposed settlement has to be approved by Congress and the Court; and
- WHEREAS,** in a series of hearings and meeting held in the Great Plains and elsewhere, the Great Plains Tribes have demanded transparency regarding the proposed settlement in the Cobell case so that individual Land Owners and IIM account

holders could be educated about the contents of the proposed settlement; and

WHEREAS, Ms. Cobell and her attorneys held several meetings on several of the Reservations in the Great Plains Region and in Rapid City, SD; 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 the Vice-Chairman of the Senate Committee on Indian Affairs, Senator John Barrasso of Wyoming sent a Dear Tribal Leader letter to Tribal Leaders proposing five Amendments to the Settlement, which included:

- (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, on May 24, 2010, House Natural Resources Committee Ranking Member Doc Hastings (WA-04) seeking to also improve the Cobell Settlement authorized in Section 607 of H.R. 4213, delivered the following statement before the Rules Committee regarding his amendment to Cobell v. Salazar settlement agreement: “ **The amendment addresses a number of concerns expressed by Indians and will help ensure that they receive the most from this settlement. My amendment makes these five improvements.**” which are the Amendments as proposed by Sen. John Barrasso; and

WHEREAS, the GPTCA believes these changes and amendments will improve the settlement by allowing more funds for the Individual Indian account holders, provide a better opportunity for fair treatment and greater consideration of the individual circumstances of individual account holders.

NOW THEREFORE BE IT RESOLVED, that the GPTCA supports these five changes to the proposed *Cobell v. Salazar* settlement and hereby requests that Congress and the Courts take whatever steps necessary to ensure that the best interests of the Individual Indian Account holders are met in the final Cobell settlement and that their interests are considered a priority; and

NOW, THEREFORE BE IF FURTHER RESOLVED, the GPTCA requests the Congressional Delegations of ND, SD & Nebraska support these amendments and co-sponsor amendments incorporating these changes, and

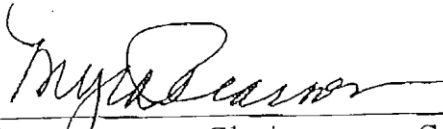
NOW, THEREFORE BE IT FINALLY RESOLVED that this resolution shall be the policy and recommendations of the Great Plains Tribal Chairman's Association until otherwise amended or rescinded or until the goals of this resolution have been accomplished.

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CERTIFICATION

This resolution was enacted at a special called meeting of the Great Plains Tribal Chairman's Association held at the Holiday Inn, Rapid City, SD on May 26, 2010, in which official action was taken with a vote of 8 Tribal Chairman voting in favor and 0 voting against.

ATTEST:



Myra Pearson, Chairperson, Spirit Lake Sioux Tribe
Secretary,
Great Plains Tribal Chairman's Association



Theresa Two Bulls, President, Oglala Sioux Tribe
Chairperson,
Great Plains Tribal Chairman's Association