

Congress of the United States

Washington, D.C. 20515

October 17, 2003

The Honorable Charles Taylor
Chairman
House Appropriations Committee
Subcommittee on Interior
B-308 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Norman Dicks
Ranking Member
House Appropriations Committee
Subcommittee on Interior
1016 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Taylor and Ranking Member Dicks:

As Co-chairs of the Congressional Native American Caucus, we are writing to express our strong opposition to the inclusion of a provision that would limit the full historical accounting of the individual Indian trust or otherwise diminish the rights of Indian trust beneficiaries. We appreciate your willingness to drop Section 137 from the FY '04 Interior funding bill that would have achieved that end before the bill went to the House floor. We want to continue working with you to resolve this important matter.

As you know, Judge Lamberth's recent decision in the *Cobell* case accepted the Department of Interior's representation that they could perform an accounting of the Individual Indian Money (IIM) Trust. However, the Court made clear that to fully discharge that duty to discover how much money is owed to IIM account holders, the Department must perform a *complete* accounting, without the arbitrary limitations that Interior had proposed. The Court has ordered that such a complete accounting be fully performed over the next seven years and Interior has stated that this complete accounting is expected to cost the government up to \$6 billion.

It is fair to say that we all share the belief that seven years is clearly too long and \$6 billion is far too expensive merely to figure out how much is owed – particularly since the “accounting” Interior will complete may very well not be sufficient to determine what is owed. It is our belief that a negotiated settlement can resolve this case for a lot less money and in far less time than what is proposed by the Court's decision in the *Cobell* case.

On July 9, 2003, we participated in a hearing held by Resources Committee Chairman Pombo entitled, “*Can a Process be Developed to Settle Matters Relating to the Indian Trust Fund Lawsuit?*” We believe this was an important first hearing about how this lawsuit can be solved in a manner that is expeditious, cost-efficient and fair to the federal government and the *Cobell* plaintiffs. We believe several more hearings can produce the proper framework for settlement negotiations that will produce the positive result that all parties seek.

Letter to Chairman Taylor and Ranking Member Dicks

October 17, 2003

Page 2

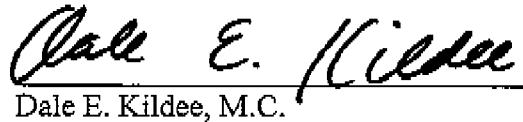
Finally, it is important to note that we have met with representatives of the Department of Interior and the *Cobell* litigants. We believe both sides are willing to sit down to negotiate a fair and expedited settlement. With the conclusion of the recent trial, many unresolved issues have now been cleared up by the court order. For instance, it is now clear what the nature and scope of the IHM Trust accounting is. This makes a negotiated settlement between the parties more timely and easier. Therefore, we ask that you allow the House Resource Committee to continue exploring the proper framework for settlement negotiations in order to fairly and expeditiously resolve the *Cobell* case.

Thank you for attention to this important matter. If you have any questions or concerns, please feel free to contact us, or Ryan Serote (Hayworth) at 5-2190 or Kimberly Teehee (Kildee) at 5-0991. In the meantime, please accept our best regards.

Sincerely,



J.D. Hayworth, M.C.



Dale E. Kildee, M.C.