Indian Affairs - Office of Public Affairs

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Washington, D.C. - Secretary of the Interior Ken Salazar today lauded Senate approval of legislation to authorize implementation of the Cobell Settlement, a $3.4 billion agreement that will resolve the long-running and highly contentious class action lawsuit regarding the U.S. government's trust management and accounting of individual American Indian trust accounts.

Salazar also commended the Senate for approving four major water rights settlements – totaling more than $1 billion - for American Indian tribes that will help deliver clean drinking water to Indian communities and provide certainty to water users across the West. The settlements were included in an omnibus package that cleared the Senate today.

“With the Senate’s approval of the Cobell settlement and the four Indian water rights settlements, this is a day that will be etched in our memories and our history books,” said Secretary Salazar. “The Cobell settlement honorably and responsibly addresses long-standing injustices and is a major step forward in President Obama’s agenda of reconciliation and empowerment for Indian nations. I am also deeply proud of the passage of the four water rights settlements that will deliver clean drinking water to Indian communities, end decades of controversy and contention among neighboring communities, and provide certainty to water users across the West. The progress we have made over the last two years in reaching critical Indian country settlements is unprecedented and I am hopeful that the House will soon act to pass these settlements as well.”

“The water settlements that passed today are nothing short of historic for Indian nations,” said Assistant Secretary for Indian Affairs Larry Echo Hawk. “The parties to these settlements are to be commended for their willingness to work together rather than stay locked in an endless cycle of litigation. These settlements will meet the needs of tribes as well as neighboring communities through provisions for sharing shortages and investing in critical infrastructure needs.”

Background on the Cobell Settlement

Over the past 14 years, the class action litigation, filed by Elouise Cobell in 1996, included hundreds of motions, seven full trials, 22 motions and dozens of rulings and appeals. Under the negotiated agreement announced on Dec. 8, 2009, litigation would end regarding the federal government’s performance of an historical accounting for trust accounts maintained by the United States on behalf of more than 300,000 individual Indians. A fund of $1.4 billion would be distributed to class members to compensate them for their historical accounting claims, and to resolve potential claims that prior U.S. officials mismanaged the administration of trust assets.

In addition, to address the continued proliferation of thousands of new trust accounts caused by the "fractionation" of land interests through succeeding generations, the settlement establishes a $2 billion fund for the voluntary buy-back and consolidation of fractionated land interests. The land consolidation program will provide individual American Indians with an opportunity to obtain cash payments for divided land interests and free up the land for the benefit of tribal communities.

Additional Information is available at the following sites: www.cobellsettlement.com. The Department of the Interior website: www.doi.gov. The Office of the Special Trustee website: www.doi.gov/ost

Background on the Four Indian Water Rights Settlements that Passed Today

Federal law provides that Tribes have a right to water to meet the needs of their reservations. These rights can be quantified through either litigation or settlement. The Obama Administration has re-energized the federal government's commitment to addressing the water needs of Native American communities through Indian water rights settlements. Following negotiations involving States, Tribes, and other stakeholders, all four of the settlements approved today were supported in letters sent by the Administration. This level of Administration support for Indian water rights settlements in a single Congress is unprecedented.

The four settlements contained in the legislation approved by Congress today include:

White Mountain Apache Tribe in Arizona: The centerpiece of the settlement is the construction of the White Mountain Apache Tribe rural water system, which will greatly expand the current water delivery system to meet the very critical needs of the reservation.

Crow Tribe in Montana: This settlement will ensure safe drinking water for the reservation as well as provide for the rehabilitation of the Crow Irrigation Project, which is in a dire state of disrepair. The existing drinking water system on the Crow reservation has significant deficiencies in capacity and water quality that have resulted in health problems.

Aamodt in New Mexico: The Aamodt settlement ends one of the longest running water rights cases in the federal court system, with nearly 43 years of litigation yielding little in the way of results. The settlement provides for the construction of a regional water system to serve the Pueblos of Tesuque, Nambe, Pojoaque, and San Ildefonso as well as surrounding communities in northern New Mexico, with a non-federal cost share of 40 percent.

Pueblo of Taos in New Mexico: The Taos settlement solidifies and makes permanent water sharing arrangements between the Pueblo of Taos and neighboring communities. The settlement also protects and restores the Pueblo of Taos's Buffalo Pasture, a culturally sensitive and sacred wetland.

Following action in the Senate, the House is expected to take up the omnibus package after the Thanksgiving recess. The Department of the Interior would begin implementation of settlements once they are signed into law by the President.