

Opening Statement  
Senator Ben Nighthorse Campbell, Vice Chairman  
United States Senate Committee on Indian Affairs  
Hearing on Legislation on the Statute of Limitations  
On Tribal Claims Against the U.S. Related to Indian Trust Account Management

February 7, 2002

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Good Morning. Thank you Mr. Chairman for holding this hearing. It is worth stressing, it seems to me, that this hearing is *not about* the history of trust funds management. It is *not about* proposals to reform trust management. And it is *not about* the Cobell litigation.

It is *about* avoiding litigation which I think is in everyone's interest.

In the 1980's Congress directed the Department of Interior to reconcile Tribal trust accounts; required an independent certification to ensure the reconciliation was complete; and provided that the Statute of Limitations would not be triggered until the account holder received an "accounting".

In January, 1996, the Department of Interior provided a report to each Tribe. When the Tribes received and reviewed the reports concerns were raised concerns about their accuracy and reliability.

In May, 1996, the GAO issued a report also raising concerns. If these reports constitute "accountings" then the Statute of Limitations will be considered "running" and out of a sense of caution many Tribes will feel compelled to file suit to protect their claims.

Many Tribes have already filed suit, as you know Mr. Chairman.

What we are interested in, and what the Chairman and I have been working on for some time now, is trying to provide a "cooling off period" in which the U.S. and the Tribes have a chance to settle potential claims arising out of this reconciliation process.

I very much believe that a wave of lawsuits against the U.S. will serve no good purpose and will further alienate the parties.

Mr. Chairman, since 1996 the U.S. has been embroiled in litigation for Individual Indian Money (IIM) accounts in the case of *Cobell v. Babbitt* (and now *Cobell v. Norton*).

I believe this Committee can play a role in guiding the parties to a just settlement of all trust claims.

I also believe that legislation along the lines of S.1857 could encourage settlement and discourage protracted and expensive litigation.

I know this Mr. Chairman: without assurances to the Tribes that their claims will not be barred, we will see an avalanche of lawsuits and that doesn't help anyone — other than the lawyers.

I ask Unanimous Consent to include in the Hearing Record a letter dated August 30, 2001, from the General Accounting Office that summarizes its concerns about the reconciliation process, and with that I look forward to hearing from our witnesses this morning.

Thank you Mr. Chairman.

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