

United States Senate

WASHINGTON, DC 20510

July 31, 2012

The Honorable President Obama
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500-0005

Dear President Obama:

Last month, the U.S. Supreme Court determined conclusively that the Bureau of Indian Affairs (BIA) breached its contract obligations by underpaying contracts with Indian Tribes going back to 1994. The Court also vacated a decision from the Federal Circuit which had ruled in favor of the Indian Health Service (IHS) in connection with similar contract underpayments. Hundreds of Tribes across the nation have such contracts, and the federal government's potential financial exposure could be substantial, some estimate it may exceed \$2 billion.

It is imperative these matters finally be put to rest through a fair and swift settlement process and with a minimum of further delay and litigation. Litigation against the IHS has been going on for almost two decades, and the current BIA litigation has been ongoing for 22 years. The time for litigation is over.

As with other recent settlements of historic claims, settlement judgments will be paid directly from the Treasury through the Judgment Fund. Neither the BIA nor the IHS will likely pay these judgments. There is, accordingly, no reason and no excuse for any further delay in resolving these claims.

We urge you to work with the Department of Justice to quickly conclude these matters on a basis that is fair and equitable to all Tribes that have suffered contract shortfalls over the years. The focus should be on making all Tribes whole, not on continuing litigation.

Please update us as soon as possible on the process and timeline that each of your departments will take to resolve these claims.

Sincerely,

Mark Begich

Lee Richardson

Tom Udare

Al Franken

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Handwritten signature in blue ink, appearing to be "Mike Crayco", written over a horizontal line.

Handwritten signature in blue ink, appearing to be "James E. Kinch", written over a horizontal line.

Handwritten signature in blue ink, appearing to be "Jan Tretter", written over a horizontal line.

CC:
The Honorable Secretary Sebelius
The Honorable Secretary Salazar
The Honorable Attorney General Holder