



United South and Eastern Tribes, Inc.

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USET Resolution No. 2014:004

SUPPORT FOR KEEPSEAGLE SETTLEMENT CY PRES FUND TO BE ENDOWED TO A SINGLE FOUNDATION AND RELATED ACTIONS TO SERVE INDIAN FARMERS AND RANCHERS

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-six (26) federally recognized Tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors comprises delegates from the member Tribes' leadership; and
- WHEREAS,** the USET Board of Directors has adopted goals to work closely with other Indian organizations to advance the needs of Indian people, and to offer a source of continued development efforts, both on and off the reservation; and
- WHEREAS,** the USET Board of Directors entered into an agreement with the Intertribal Agriculture Council to participate in a technical assistance network that would assist agricultural development by Indian Tribes and individual farmers, ranchers, and producers; promote greater access and Tribal participation in United States Department of Agriculture (USDA) programs; encourage growth in the agricultural sector, such as through beginning farmer and rancher initiatives; and advocate for geographical representation and inclusion of USET member Tribes and individual Tribal members in agricultural development in Indian Country; and
- WHEREAS,** in 2010, an historic settlement in the Keepseagle v. Vilsack lawsuit, known as the Keepseagle Settlement, was reached between Indian farmers and ranchers and the USDA, that required the USDA to pay \$680 million in damages and \$80 million in farm loan debt forgiveness to redress discrimination experienced by Indian farmers and ranchers by the USDA farm loan program; and
- WHEREAS,** the deadline for filing claims has passed, and all claims have been paid; thus leaving an unclaimed amount of approximately \$400 million dollars; and
- WHEREAS,** the remaining settlement amount, now referred to as the Keepseagle cy pres fund, is recommended by the plaintiff counsel to be awarded to a new foundation that would be managed by Tribal leaders from Indian Country; and
- WHEREAS,** there is general agreement among the plaintiffs for creating and endowing a new foundation, which is also supported by the Affiliated Tribes of Northwest Indians, Coalition of Large Tribes, Great Plains Tribal Chairman's Association, National Congress of American Indians, and the Standing Rock Sioux Tribe; and
- WHEREAS,** the USET Board of Directors supports a single endowment, provided there is meaningful engagement of Tribal leaders in the USET region, and further that the endowment managers address USET regional needs in an inclusive and equitable manner; and

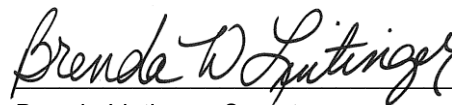
- WHEREAS,** the USET Board of Directors supports the disbursement of endowment funds, when the Keepseagle foundation is established, to compensate the plaintiffs who were not able to perfect Track B claims, at the Track A level; and
- WHEREAS,** there is an accompanying proposal recommending interest from a single endowment should be disbursed to individual Indian farmers and ranchers, Tribes, and other entities that serve the Keepseagle plaintiff class and promote agricultural development in Indian Country; and
- WHEREAS,** the terms of the Keepseagle Settlement would need to be amended by the parties, and approved by the U.S. District Court, to authorize the cy pres funds to be awarded to a single foundation and to further expand the classification of eligible recipients who may receive cy pres fund or endowment disbursements; and
- WHEREAS,** in December 2010, the U.S. recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it
- RESOLVED** the USET Board of Directors supports an amendment to the Keepseagle Settlement that would allow for the cy pres funds to be awarded to a single, newly created foundation that would be managed by Tribal leaders from Indian Country, with an understanding that the USET region would have representation and that regional issues would be addressed in an equitable manner; and, be it further
- RESOLVED** the USET Board of Directors supports compensation to Keepseagle plaintiffs who were not able to perfect Track B claims, at the Track A level; and, be it further
- RESOLVED** the USET Board of Directors endorses the proposal recommending for management of the Keepseagle foundation where generated interest will be disbursed to eligible entities, including Tribes and entities that serve the Keepseagle plaintiff class and promote agricultural development in Indian Country.

CERTIFICATION

This resolution was duly passed at the USET Annual Meeting, at which a quorum was present, in Cherokee, NC, on Thursday, October 31, 2013.



Brian Patterson, President
United South and Eastern Tribes, Inc.



Brenda Lintinger, Secretary
United South and Eastern Tribes, Inc.

“Because there is strength in Unity”