



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #TUL-13-048

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TITLE: Support for Establishing a Foundation to Assist American Indian and Alaska Native Farmers and Ranchers with *Keepseagle* Settlement Funds and Including 1994 Land-Grant Institutions

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, farming and ranching within Indian country remains a key to economic development for the Tribes and individual Indians; and

WHEREAS, the *Keepseagle v. Vilsack* class action lawsuit (“*Keepseagle*”) was filed in 1999 in United States District Court on behalf of all Native American farmers and ranchers who had been discriminated against and denied equal access to credit by the United States Department of Agriculture (“USDA”) in the USDA Farm Loan Program; and

WHEREAS, a \$760 million Settlement with the USDA was reached in *Keepseagle* in 2011 (“Settlement Agreement”) to \$760 million in monetary relief, debt forgiveness, and tax relief to successful individual Native American farmer or rancher class claimants; and

WHEREAS, many of the Native American farmers and ranchers who filed claims under Track B of the Settlement were not successful; and

WHEREAS, the Settlement Agreement provides a special fund to be established called the *cy pres* fund, comprising any leftover Settlement Agreement funds that are not distributed to individual claimants, and the unclaimed Settlement Agreement funds currently are deposited into a Designed Account set-up by Class Counsel and held for the benefit of the class; and

WHEREAS, the Settlement Agreement describes the procedure to distribute leftover settlement funds to non-profit entities that aided Native American farmers between 1981 and the Agreement's execution date; and

WHEREAS, the Settlement Agreement further states that the *cy pres* fund is to be distributed to *cy pres* beneficiaries, defined in the Agreement as "any nonprofit organization, other than a law firm, legal services entity, or educational institution, that has provided agricultural, business assistance, or advocacy services to Native American farmers between 1981 and the Execution Date that will be proposed by Class Counsel and approved by the Court;" and

WHEREAS, approximately \$360 million is left in the *cy pres* fund to be distributed to eligible *cy pres* beneficiaries as defined in the Settlement Agreement; and

WHEREAS, *Keepseagle* class representatives have been meeting with Class Counsel and have proposed to the Court and representatives of the U.S. government that the appropriate beneficiary of all the funds will be a foundation that will use *cy pres* funds to provide training and other assistance to Native American farmer and ranchers; and

WHEREAS, uses of the funds by the foundation include, but are not limited to, providing funds to other *cy pres* beneficiaries and to tribal colleges and universities, which as U.S. Department of Agriculture 1994 land-grant institutions can provide further training and technical assistance to Native American farmers and ranchers.

NOW THEREFORE BE IT RESOLVED, that NCAI supports the establishment of a foundation, to be composed of the remaining *Keepseagle* Agreement funds, to be dedicated to providing assistance to American Indian and Alaska Native farmers and ranchers and encourages the wise use of the funds to benefit a wide variety of programs and services that will assist American Indian and Alaska Native farmers and ranchers in the future, including use by tribal colleges and universities; and

BE IT FURTHER RESOLVED, that prior to the establishment of the foundation, unsuccessful Track B claimants should be awarded Track A payments; and

BE IT FURTHER RESOLVED, that NCAI vehemently opposes any return of unclaimed *Keepseagle* Settlement Agreement funds to the United States; and

BE IT FINALLY RESOLVED, that Resolution ECWA-13-010 is repealed, and this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2013 Annual Session of the National Congress of American Indians, held at the Cox Business Center from October 13 - 18, 2013 in Tulsa, Oklahoma with a quorum present.



President

ATTEST:



Recording Secretary