

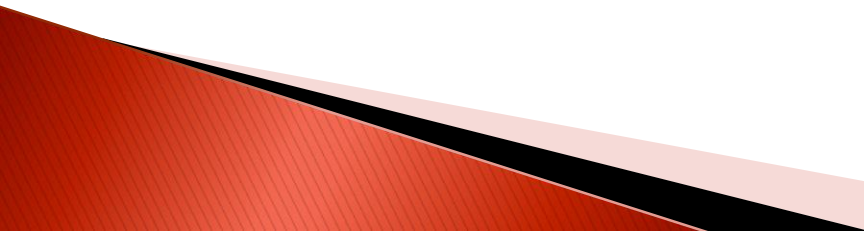
Keepseagle Settlement Fund

\$380 million unclaimed funds to be used to
benefit Native American farmers and ranchers

History of the Case

Current Settlement Agreement Language

A Brief History of the Case

- ▶ Filed in 1999 on behalf of Native American farmers and ranchers discriminated against by USDA in the farm loan program
 - ▶ Settlement Agreement announced October 19, 2010; final approval in April 2011
 - ▶ Settlement fund of \$680 million, plus \$80 million in debt relief.
 - ▶ Following claims process, \$380 million remains
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Settlement Agreement Says

- ▶ "Cy Pres Beneficiary" is any non-profit 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.

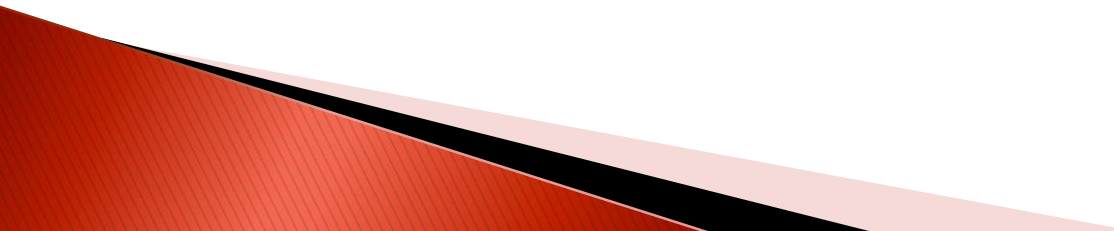
Settlement Agreement Says

- ▶ Class Counsel may then designate Cy Pres Beneficiaries to receive equal shares of the Cy Pres Fund.
- ▶ Designations shall be for the benefit of Native American farmers and ranchers, upon recommendations by Class Counsel and approval by the Court.

Revised Agreement

Specifics

Revised Agreement – Trust

- ▶ Place \$342 million in Trust
 - ▶ Trustees appointed by Court
 - ▶ Trustees establish Advisory Committees, hire staff
 - ▶ Trustees approve grants from Trust, no role for class counsel or court
 - ▶ Trust must distribute all money within 20 years
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Revised Agreement – Trust

Eligible organizations

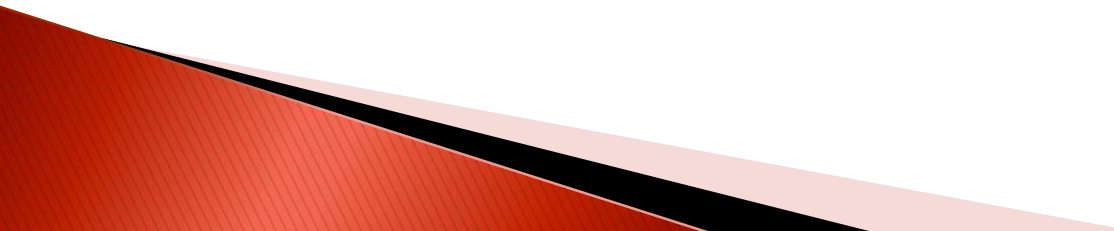
- ▶ Not-for-profit organizations, including educational institutions and tribal non-profits
- ▶ who will provide agricultural, business assistance or advocacy services to Native American farmers and ranchers

Revised Agreement – Trust

Not eligible for grants:

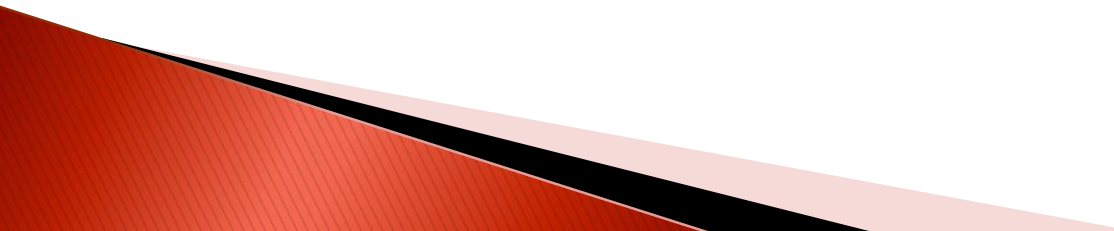
- **Funds cannot be used for litigation**
- **Individuals or for-profit businesses cannot receive grants from the Trust**
- **Organizations receiving grants may make gifts to individuals for charitable purposes (e.g., financial hardship relief for needy individuals, scholarships to students, etc.)**

Revised Agreement – fast track

- ▶ Distribute \$38 million six months after Court approves revision of agreement
 - ▶ Class counsel would make proposal to Court based on recommendation of Advisory Committee. Court approval needed before money distributed
 - ▶ Working on application process now
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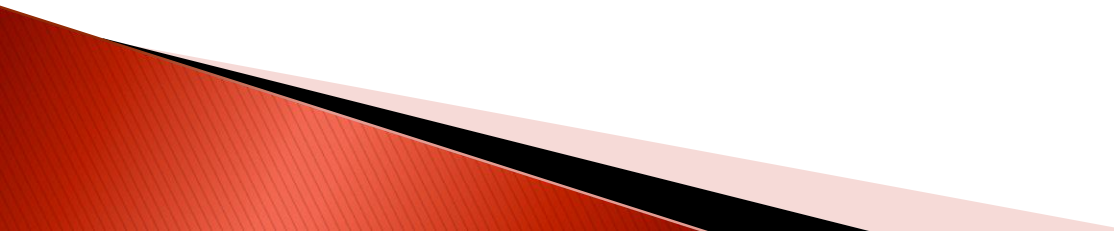
Revised Agreement – fast track

Advisory Committee:

- ▶ Carly Hare, Native Americans in Philanthropy
 - ▶ Gary Cunningham, past VP–Programs NWAFF
 - ▶ Mark Wadsworth, Chair, CNAFR
 - ▶ Claryca Mandan, lead plaintiff
 - ▶ Porter Holder, lead plaintiff, Vice Chair CNAFR
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Revised Agreement – fast track

Eligible organizations

- ▶ Existed prior to October 2010
 - ▶ Not-for-profit organizations
 - ▶ Previously provided agricultural, business assistance or advocacy services to Native American farmers and ranchers
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Revised Agreement –fast track

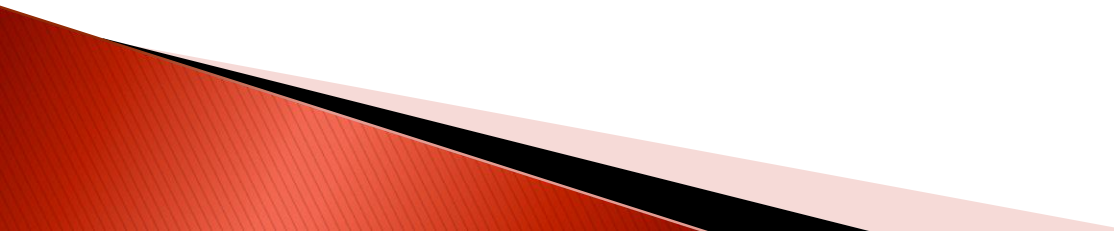
Application process

- ▶ Not yet set up, if interested let us know and we will send you application when available
- ▶ Email: indianfarmclass@gmail.com
- ▶ Call: 479-200-8210
- ▶ Write: Indigenous Food and Agriculture Initiative, University of Arkansas School of Law, 1045 W. Maple St., Fayetteville, AR 72701, Attention: Keepseagle

Input Needed

Trustees, Needs, Areas of Most Impact

We seek input on:

- ▶ What characteristics should we look for in Trustees?
 - ▶ What are the primary needs of Native American farmers and ranchers?
 - ▶ Where can non-profits have the most impact, keeping in mind that some needs require government, not non-profit action?
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Submit your input:

- ▶ Email: indianfarmclass@gmail.com
 - ▶ Write: Indigenous Food and Agriculture Initiative, University of Arkansas School of Law, 1045 W. Maple St., Fayetteville, AR 72701, Attention: Keepseagle
 - ▶ Call: 479-200-8210
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