

To the Nation from the Tribal Chair, Joseph “Zeke” Rupnick:

Dear Tribal Members,

As some of you have probably already heard our motion to delay the second round of funding from the CARES Act was denied. That was disappointing to say the least. Our hopes were to delay the funding and force the Treasury to publicly state how they were going to distribute the 24% of the remaining funds to the Tribes but timing and competing lawsuits were the factor in the decision. The two lawsuits; Confederated Tribes of the Chehalis Reservation et al. v. Mnuchin argues against distributing funds to the Alaska Native Corporation and Agua Caliente Band of Cahuilla Indians et al. v. Mnuchin argues for immediate distribution. This case was the deciding factor.

In my letter posted on the members site, I gave a brief overview of the initial distribution and why we felt we needed to take the additional steps to make sure the funds were distributed equitably. Our case was heard on June 11, 2020, and before any arguments had begun, DOJ lawyers opened and immediately stated that the government was willing to delay funding and re-calculate the 24% if the court would consider that in the judgement pushing any further distribution back a week or possibly two. The Judge then moved to hear arguments and once arguments were heard, gave a 5:00 p.m. deadline if any settlement could be reached, prior to issuing his opinion.

After the hearing, we were caught in the middle. The dissenting Tribe, in our case, Agua Caliente, agreed that Treasury should reserve only \$7.5 Million from the distribution to address the claims of the Prairie Band Potawatomi Nation. However, Treasury would only agree to reserving a larger amount that would cover claims of all similarly situated tribes. The Government lawyers could not commit to Agua Caliente’s position. In other words, the entire 24% of the remaining CARES had to be recalculated or nothing. With that impasse, no deal was reached, and the judge issued his ruling to distribute all of the remaining 24%.

On Friday, June 12, 2020, Treasury determined to reserve \$679 million from the amount to be paid. These reserve funds will be available for all Tribes that were impacted by using the IHBG data and not population data. I feel had we not filed the lawsuit, Treasury would have distributed the money from round two and Tribes like ours still wouldn’t get the correct amount due. Now we have time to join with other Tribes to address claims against Treasury in joint litigation.

The initial calculation for the CARES dollars brought to light the need to review our service areas and to ensure we are getting our full credit. By using the Indian Housing Block Grant (IHBG) formula as a basis for distributing funds, the Treasury limited our service area to the boundaries of the Reservation, and our count to 883 American Indian and Alaska Native (AIAN) people according to Housing and Urban Development (HUD). I’ll use myself as an example, the land I own and where I live is not in trust, I pay taxes and I may not count in the 883 number. We will need to further research what our options are to ensure all are counted.

I want the members to know that I will do all that I can to make sure the Prairie Band Potawatomi Nation gets what is due, including this next distribution.

Migwett

Joseph P. Rupnick, Chairman  
Prairie Band Potawatomi Nation