



SHAWNEE TRIBE

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March 12, 2021

Honorable Treasury Tribal Advisory Committee Members,

The Shawnee Tribe's comments for the Committee are in regard to Treasury's March 18th, 2021 consultation calls with federally recognized tribes and Alaska Native Corporations. As Chief of the Shawnee Tribe, I am disturbed to see the Department of the Treasury moving in a way that I can only interpret as continuing to undermine our many attempts at finding a resolution for our case, *The Shawnee Tribe v. Yellen*, Case No. 20-cv-1999 (D.D.C.). Shifting the purpose of tomorrow's call from a general discussion of equitable CARES Act fund distribution, as stated in the original email announcement distributed by Treasury on March 4, 2021, to what is now a call for discussion specifically about the ongoing litigation between the Shawnee Tribe and the Departments of Treasury and Interior, as stated in the latest email reminder sent Wednesday, March 10, is not only wildly improper considering this is ongoing litigation, but it also pits Tribal Nations and interests against one another, particularly at the expense of my Tribe and our co-plaintiffs the Miccosukee, and Prairie Band Potawatomi.

About what could there possibly be to consult with Indian Country at large regarding this case?

If Treasury seeks to rectify its past errors, then it should take the following actions in order:

- 1) Set aside at least \$20 million to finally resolve the claims of the Shawnee, Miccosukee, and Prairie Band Potawatomi;

- 2) Consult with the other “zero population” tribes, who, while not a part of the pending lawsuits, were also unjustly harmed by the use of the IHBG data; and
- 3) only after Treasury has remedied the litigation and “zero population” tribes, develop a fair and equitable formula, with input from Indian tribes, on the reallocation of any remaining funds.

In short, the plaintiff Tribes have only sought their fair and equitable share of CARES Act funding before Treasury reallocates those that remain. We ask for equitable treatment of all our brothers and sisters in Indian Country. Creating an extrajudicial mechanism to circumvent justice harms all of our Tribal Nations and damages the relationship we enjoy with our federal partners.

Niyaawe,

Benjamin J. Barnes

Chief of the Shawnee Tribe