

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

- WHEREAS, the Tribal Council is advised by the Phoenix Area Office of the Bureau of Indian Affairs that the maximum ceiling allowed by the BIA for the White Mountain Apache Tribe for indirect costs in the Grants and Contracts Program will be 6.89%; and
- WHEREAS, actual indirect costs incurred by the White Mountain Apache Tribe as established by the Western Regional Office of the Inspector General, USDI, is 18.7%; and
- WHEREAS, the office of the Tribal Chairman has requested an explanation from the Phoenix Area Office why a ceiling has been set in the amount of 6.89% in total disregard of the tribe's actual indirect costs of 18.7%, but has not received a responsive explanation justifying their arbitrary denial of the tribe's costs; and
- WHEREAS, the Tribal Council is advised that the 6.89% indirect costs allowed for the White Mountain Apache Tribe by the Phoenix Area Office is the lowest indirect cost percentage allowed for any tribe in Arizona, Nevada or Utah; and
- WHEREAS, the Tribal Council is further advised that some Indian Tribes receive up to 100% in indirect costs from the Bureau, thereby indicating that the Phoenix Area Office is being selectively discriminatory and arbitrary with the White Mountain Apache Tribe by rigidly insisting on an unrealistically low indirect cost ceiling of 6.89%, without providing an explanation for the abnormally low indirect costs allowance; and
- WHEREAS, in the event that the Tribe's actual indirect costs as established by the Inspector General's Office in the amount of 18.7% is granted, it requests that those indirect costs be financed with add-on monies rather than being prorated from the contracts or grants; and
- WHEREAS, the Tribal Council, in view of the Phoenix Area Office's arbitrary refusal to grant the Tribe's request for its actual indirect costs and to provide the tribe with an explanation regarding the 6.89% indirect cost, concludes that an appeal must be made immediately and directly to the BIA Central Office in Washington, D.C.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby protests the 6.89% indirect cost ceiling imposed by the Phoenix Area Office when in fact, the Western Region Office of the Inspector General, USDI, has determined that the Tribe's indirect costs are actually 18.7%.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby criticizes the conduct of the Phoenix Area Office in its refusal to provide the Tribe with an explanation justifying the 6.89% indirect cost ceiling and its refusal to consider the 18.7% actual indirect cost established by the Inspector General's Office for the Tribe's administration of federal grants and contracts.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs that a copy of this Resolution be sent to the Secretary of the Interior with a request that the Secretary assist the White Mountain Apache Tribe in obtaining a fair and equitable allowance for indirect costs in the amount established by the Office of the Inspector General, USDI, in the amount of 18.7%, and to direct the Phoenix Area Office to be properly responsive to its trust responsibility to the Tribal Council in this matter.

BE IT FURTHER RESOLVED by the Tribal Council that in the event that the Tribe is allowed 18.7% in indirect costs that said costs be paid from add-on monies rather than by the contract and grant funds involved.

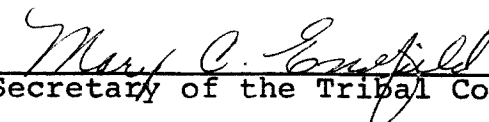
The foregoing resolution was on May 28, 1985, duly adopted by a vote of 9 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984)

RECEIVED

JUN 11 1985

FORT APACHE INDIAN
AGENCY
WHITERIVER, ARIZ


Chairman of the Tribal Council


Secretary of the Tribal Council