

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

WHEREAS, the White Mountain Apache Tribe received funds as result of a settlement in Claims Docket 22-H before the U.S. Claims Court and a use and distribution plan [Plan] was prepared by the Tribal Council of the White Mountain Apache Tribe, which provided that 80% of the award should be distributed to eligible tribal members on a per capita basis; and that a Land Restoration Program Permanent Fund be established utilizing the remaining 20%; and

WHEREAS, the Plan was endorsed by the tribal membership through a series of community meetings and formal public hearings; and

WHEREAS, on April 28, 1997, the U.S. Congress approved the Plan with an effective date of April 29, 1997; and

WHEREAS, the Tribal Council must establish regulations, procedures and time lines for the per capita distribution of claims funds to eligible members of the White Mountain Apache Tribe; and

WHEREAS, the Tribal Council has this date agreed upon and established said regulations, procedures and time lines for the per capita distribution of claims funds to eligible members of the Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby adopts the following regulations, procedures and time lines for the per capita distribution of claims funds to eligible members of the White Mountain Apache Tribe:

1.0 Eligibility

To be eligible to receive per capita funds under Claims Docket 22H, an individual must:

- 1.1 Meet the requirements for membership in accordance with the Tribal Constitution of the White Mountain Apache Tribe;
- 1.2 Must not have received prior claims funds in Claim Docket 22H distributed by the San Carlos Apache Tribe; or other accounting

Adjustments to records of individuals already on the approved list shall continue until final submittal of the payment roll to the Bureau of Indian Affairs, Fort Apache Agency.

5.0 Posting of Payment Roll

After expiration of the 45-day deadline, the Office of Vital Records shall post the names of tribal members who appear on the payment roll at public places for a period not to exceed 10 calendar days.


Any individual whose name does not appear on the list may file a dispute with the Office of Vital Records; or he/she may file an appeal with the Tribal Council in accordance with section 3.0.

6.0 Certification of Payment Roll

Upon expiration of the 10-day posting period, the Tribal Council shall submit a final payment roll to the Bureau of Indian Affairs, Fort Apache Agency, for its review and submittal to the Phoenix Area Director. The Fort Apache Agency shall review the payment roll and make appropriate adjustments before submitting the roll to the Phoenix Area Director.

The Phoenix Area Director shall review the final payment roll; make appropriate adjustments; and certify the roll for payment. The certified roll shall be forwarded to the Office of Trust Funds Management for release of the per capita shares to tribal members through the U.S. Treasury Department.

The foregoing resolution was on May 16, 1997 duly adopted by a vote of six for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (c), (h), (I), (q), (r), (s), (t), and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council

Council.

3.0 Appeals

An individual who has been notified by the Enrollment Committee of its determination that the applicant is not eligible for membership in the White Mountain Apache Tribe, may appeal the decision to the Tribal Council within thirty (30) days of the receipt of the notification or not later than sixty (60) days after the date of mailing, if the notification is mailed outside the Continental United States. The Tribal Council shall conduct a review hearing, render a decision and notify the applicant in writing and by certified mail not less than twenty (20) nor more than fifty (50) days after a request for a review hearing. Such appeals shall be governed by the Tribal Enrollment Code.

If after the Tribal Council determines that an applicant is not eligible for membership in the White Mountain Apache Tribe, and is therefore not eligible for per capita share of funds under Claims Docket 22H, an applicant may file an appeal to the Phoenix Area Director of the Bureau of Indian Affairs within thirty (30) days of receipt of the notice of decision. The Phoenix Area Director shall render a decision pursuant to the provisions set forth in 25 C.F.R. Part II. Further appeals of the Area Director's decision shall also be governed by 25 C.F.R. Part II.

3.1A Reserve Funds

The Bureau of Indian Affairs shall withhold funds in an amount equal to the per capita share, in an interest bearing account for an individual who has filed an appeal, pending final disposition of the appeal.

3.1B Release of Funds

If it is determined an appellant or an individual is entitled to the per capita share of funds, such funds including earned interest, shall be promptly released to the appellant. If the appellant is deemed not eligible, such funds, including earned interest, shall be released to the White Mountain Apache Tribe.

4.0 Enrollment Deadline

A deadline of 45 calendar days shall be established for eligible members to enroll for payment under Claims Docket 22H. The 45 calendar days shall commence upon the date of publication of the Federal Register. After the expiration of the 45-day enrollment period, no other names shall be added to the payment roll.

claims funds while enrolled with another Federally Recognized Indian tribe; and

1.3 Be born prior to and living on April 29, 1997. Eligibility is further defined as:

1.3A Any eligible individual who is born before midnight on April 29, 1997;

1.3B Any eligible individual who dies before midnight on April 29, 1997; and

1.3C Any eligible individual who was born on April 29, 1997, and dies before midnight on April 29, 1997.

1.4 An individual is not eligible if he/she:

1.4A Dies prior to April 29, 1997 (before midnight on April 28, 1997);

1.4B Is born after midnight on April 29, 1997; and

1.4C has received prior claims funds in Claims Docket 22H distributed by the San Carlos Apache Tribe; or other accounting claims funds while enrolled with another Federally Recognized Indian tribe.

## 2.0 Enrollment Procedures

The White Mountain Apache Tribal Enrollment Committee shall review all applications for membership in the White Mountain Apache Tribe; and forward its recommendations to the Tribal Council for review and action. The Tribal Council, in accordance with the approved Constitution of the White Mountain Apache Tribe, has the authority to, and shall determine and accept eligibility for membership in the White Mountain Apache Tribe. The Tribal Council shall also have the authority to make a preliminary determination of an individual's entitlement to the per capita share of Claims Docket 22H funds.

The Enrollment Committee shall notify an applicant in writing and by certified mail within three (3) days of its determination that an applicant is not eligible for membership in the White Mountain Apache Tribe and shall afford the applicant an opportunity to appeal its decision to the Tribal