



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

(Policy on Burial Assistance)

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- WHEREAS,** pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and
- WHEREAS,** burial assistance is provided to enrolled members of the White Mountain Apache Tribe by both the Tribe and the U.S. Department of Interior, by and through the Bureau of Indian Affairs ("BIA") as a matter of cultural custom and beliefs of the Tribe as a whole; and
- WHEREAS,** a century old White Mountain Apache traditional burial includes a two night wake where family and friends of the deceased, are fed every meal for the duration of the 48 hours and the number of people fed can exceed one hundred per meal, a tradition that continues to be practiced; and
- WHEREAS,** Tribal Council supports and respects the unique custom of a traditional Apache burial; and
- WHEREAS,** burial assistance provided by the Tribe in the amount of \$1,500.00 is not a liquid asset payable to the estate of the deceased as it tends to defray communal expenses and thus cannot be considered as a resource for the decedent as defined by 25 C.F.R. 20.100; and
- WHEREAS,** furthermore, the assistance provided by the Tribe and the BIA is insufficient to fully fund traditional Apache burials; and
- WHEREAS,** BIA has reduced the amount of burial assistance from \$2,500.00 to \$1,000.00 since August 2007; and
- WHEREAS,** the Tribal Council finds that: (1) the BIA should be notified that the burial assistance provided by the Tribe, occurring from January 2002 to August 2007, as attached and incorporated by this reference, were not provided to the estates of the decedents, and thus should not be considered a resource for the decedents individually; (2) application of 25 C.F.R. 20.100 to the decedent's estates identified herein should be waived; and (3) the amount provided by the BIA should be increased to \$3,500.00; and
- WHEREAS,** the maximum approved payment standard established by the Assistant Secretary allows an approved payment of up to the amount \$2,500.00 from the U.S. Department of Interior, by and through the Bureau of Indian Affairs ("BIA"), pursuant to 25 C.F.R. Part 20; and
- WHEREAS,** the Tribe is experiencing economic difficulties and cannot provide the burial assistance it desires to as a matter of cultural custom and beliefs of the Tribe as a whole; and

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WHEREAS, furthermore, the maximum approved payment established by the Assistant Secretary is currently \$2,500.00 and, as evidenced by the attached, is insufficient to fully fund burials; and

WHEREAS, the Tribal Council finds that: (1) the BIA should be notified that providing burial assistance is beyond the financial capacity of the Tribe, (2) the BIA should be notified that the burial assistance historically provided by the BIA is insufficient to fully fund burials, (3) the approved payment standard currently established by the Assistant Secretary is insufficient to fully fund burials and (4) the amount provided by the BIA should be increased to \$3,500.00.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that:

1. The BIA is hereby notified that providing burial assistance is beyond the financial capabilities of the Tribe.
2. The burial assistance historically provided by the BIA is insufficient to fully fund burials.
3. The approved payment standard of \$2,500.00 currently established by the Assistant Secretary is insufficient to fully fund burials.
4. The BIA is finally requested to increase indigent burial assistance to \$3,500.00

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice Chairwoman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on August 11, 2008, duly adopted by a vote of NINE for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (c), (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

Cindy R. Harney

Secretary of the Tribal Council