

United States District Court
For the District of New Mexico

Ramah Navajo Chapter, et al v. Gale Norton, et al.
CIV No. 90-00957 LH/WWD

**SECOND PARTIAL SETTLEMENT AGREEMENT
CLAIM FORM**

REDW, LLC
Ramah Navajo Chapter Class Action Settlement Administrator
6401 Jefferson NE
Post Office Box 93659
Albuquerque, New Mexico 87199-3659
1-888-726-9418

Introduction, Instructions and Definitions

**→TO SHARE IN THIS SETTLEMENT THIS CLAIM FORM MUST BE
RETURNED TO THE ABOVE ADDRESS AND POSTMARKED NO LATER
THAN SIXTY (60) DAYS AFTER PUBLICATION OF THIS NOTICE IN THE
FEDERAL REGISTER. ←**

ALL CLAIM FORMS MUST BE SIGNED AND NOTARIZED BY A RESPONSIBLE OFFICIAL OF THE ORGANIZATION UNDER PENALTY OF PERJURY.

THE SECOND PARTIAL SETTLEMENT AGREEMENT (PSA-2) MAY BE OBTAINED FROM THE CLASS SETTLEMENT WEBSITE AT WWW.RNCSETTLEMENT.COM OR BY CALLING THE SETTLEMENT ADMINISTRATOR AT 1-888-726-9418.

ALL CLASS MEMBERS WHO WISH TO SHARE IN THE SECOND PARTIAL SETTLEMENT AGREEMENT IN THIS CASE MUST COMPLETE THE CLAIMANT INFORMATION IN SECTION I. ONLY SCHOOL GRANTEES MUST COMPLETE SECTION II.

SPECIAL INSTRUCTIONS:

1. IF YOU DO NOT AGREE WITH THE BASE AMOUNT SHOWN ON THE ATTACHED PROVISIONAL LIST FOR YOUR ORGANIZATION FOR FY/CY 1993, PLEASE SUBMIT A LETTER STATING WHY YOU DO NOT AGREE WITH THE AMOUNT SHOWN AND PROVIDE THE AMOUNT THAT YOU BELIEVE IS CORRECT, WITH SUPPORTING DOCUMENTATION. THE SETTLEMENT ADMINISTRATOR HAS DISCRETION TO ACCEPT OR REJECT SUCH DOCUMENTATION OR TO SEEK FURTHER CLARIFICATION OR DOCUMENTATION.

2. IF YOU DID NOT RECEIVE A SHARE OF THE FIRST PARTIAL SETTLEMENT IN THIS CASE FOR THE YEAR 1993 PLEASE SUBMIT YOUR 1993 DOCUMENTARY EVIDENCE, ALONG WITH THE COMPLETED CLAIM FORM.
3. IF YOU DID NOT HAVE ANY BIA FUNDING EXPENDITURES FOR THE YEAR 1993 BUT DID HAVE BIA FUNDING EXPENDITURES FOR 1992 OR 1994, OR BOTH, PLEASE COMPLETE THE CLAIM FORM FOR THE YEARS THAT YOU MEET THE REQUIREMENTS AS SET FORTH BELOW AND ATTACH YOUR ENTITY'S SUPPORTING DOCUMENTATION .

INFORMATION PROVIDED TO THE SETTLEMENT ADMINISTRATOR WILL BE REVIEWED FOR ADEQUACY AND ACCURACY. CLASS MEMBERS SHALL BE REQUIRED TO TIMELY PROVIDE TO THE INDEPENDENT CPA ALL DATA AND DOCUMENTATION AS MAY BE REQUIRED TO DEMONSTRATE THEIR ELIGIBILITY.

DEFINITIONS

(1) DOCUMENTARY EVIDENCE TO SUPPORT A CLAIM INCLUDES THE SCHEDULE OF FEDERAL FINANCIAL ASSISTANCE PORTION OF AUDITED FINANCIAL STATEMENTS, CONTRACT AWARD DOCUMENTS, AND IDC RATE AGREEMENTS WHICH SHOW ACTUAL EXPENDITURES ON BIA PROGRAMS UNDER A P.L. 93-638 CONTRACT FOR EACH YEAR YOUR ENTITY HAD BIA P. L 93-638 CONTRACTS OR COMPACTS DURING THE SETTLEMENT PERIOD (1992-1994). THE SCHEDULE OF FEDERAL FINANCIAL ASSISTANCE WILL CONTROL OVER ALL OTHER DATA AND MUST BE PROVIDED IF IT EXISTS.

(2) FOR PURPOSES OF PSA-2, THE DEFINITION OF CONSTRUCTION CONTAINED IN 25 U.S.C. §450b(a) ("CONSTRUCTION PROGRAMS") WILL BE USED:

"CONSTRUCTION" MEANS --- PROGRAMS FOR THE PLANNING, DESIGN, CONSTRUCTION, REPAIR, IMPROVEMENT, AND EXPANSION OF BUILDINGS OR FACILITIES, INCLUDING BUT NOT LIMITED TO, HOUSING, LAW ENFORCEMENT AND DETENTION FACILITIES, SANITATION AND WATER SYSTEMS, ROADS, SCHOOLS, ADMINISTRATION AND HEALTH FACILITIES, IRRIGATION AND AGRICULTURAL WORK, AND WATER CONSERVATION, FLOOD CONTROL AND PORT FACILITIES.

CONSTRUCTION EXPENDITURES ABOVE \$100,000 WILL NOT BE INCLUDED IN THE "BIA EXPENDITURES" AMOUNT USED TO CALCULATE EACH CLASS MEMBERS' SHARE UNDER PSA-2.

[PLEASE NOTE THAT AN EXCLUSION OF CERTAIN CONSTRUCTION ACTIVITIES WAS LATER ADDED AT 25 U.S.C. §450b(m) FROM THIS DEFINITION. THAT CHANGE DID NOT BECOME LAW UNTIL AFTER THE CLOSE OF FY 1994, HENCE THOSE LATER EXCLUSIONS FOR "CONSTRUCTION PURPOSES" WILL NOT BE RECOGNIZED IN CALCULATING SHARES UNDER THIS SETTLEMENT. ***THIS MEANS THAT HIP EXPENDITURES AND CONSTRUCTION PLANNING COSTS FOR CONSTRUCTION MUST BE INCLUDED AS PART OF CONSTRUCTION EXPENDITURES ON THIS FORM.***]

FORMS

Attached is the Claim form which must be submitted by a duly authorized official of the tribe or tribal organization under penalty of perjury.

All Class Members must complete Section I of this form in order to receive a share of this settlement. Section II applies only to school grantees.

**SPECIAL REQUIREMENTS FOR DIRECT CONTRACT SUPPORT SURVEY TRIBES
AND TRIBAL ORGANIZATIONS**

IF YOUR TRIBE OR ENTITY PARTICIPATED IN THE SURVEY OF DIRECT CONTRACT SUPPORT COSTS IN THE YEAR 2000, YOU CAN RECEIVE REIMBURSEMENT OF YOUR OUT-OF-POCKET EXPENDITURES CONNECTED WITH THE SURVEY BY SUBMITTING A SEPARATE STATEMENT WITH RECEIPTS OR OTHER DOCUMENTS OF YOUR INCURRED COSTS. A LIST OF TRIBES WHO PARTICIPATED IN THE SURVEY IS ATTACHED TO THIS FORM (SEE NEXT PAGE).

QUESTIONS MAY BE DIRECTED TO THE INDEPENDENT CPA AT

REDW, LLC
Ramah Navajo Chapter Class Action Settlement Administrator
6401 Jefferson NE
Post Office Box 93659
Albuquerque, New Mexico 87199-3659
1-888-726-9418
fax (505) 998-3333
Email: rncsettlement@redw.com

CLASS MEMBERS WHO PARTICIPATED IN THE **DCSC SURVEY**

Bristol Bay Native Association
Burns Paiute Tribes
Central Council of Tlingit & Haida Indian Tribes of Alaska
Confederated Tribes of the Colville Reservation
Grand Traverse Band of Ottawa and Chippewa Indians
Great Lakes Indian Fish & Wildlife Commission
Hoopa Valley Tribal Council
Jamestown S'Klallam Tribe
Klamath Tribes
Lac Courte Oreilles
Lac de Flambeau Band of Lake Superior Chippewa Indians
Lummi Indian Business Council
Mescalero Apache Tribe
Miccosukee Corporation
Mississippi Band of Choctaw Indians
Nambe Pueblo
Nez Perce Tribe
North Slope Borough School District
Northwest Indian Fisheries Commission
Penobscot Indian Nation
Pueblo of Zuni
Quinault Indian Nation
Ramah Navajo Chapter
Red Lake Band of Chippewa Indians
Sac & Fox Nation
Sinte Gleska University
Southern Ute Indian Tribe
Tanana Chiefs Conference, Inc.
Tohono O'Odham Nation

CLAIM FORM – SECOND PARTIAL SETTLEMENT
PURSUANT TO APPENDIX F OF SECOND PARTIAL
SETTLEMENT

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SECTION I

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ALL CLAIMANTS MUST FILL OUT AND SUBMIT THIS SECTION I.
SCHOOL GRANTEES MUST ALSO FILL OUT AND SUBMIT SECTION II.

(Please type or print)

Name of federally recognized tribe or tribal organization

Contact person

Mailing Address

City

State

Zip Code

Area Code

Telephone Number

Area Code

Fax Number

E-mail Address

Taxpayer Identification Number

Federally Recognized Tribe

Tribal Organization

**Claim Form
PAGE 2 of 3
SECTION I (CONTINUED)**

REQUIRED SWORN CERTIFICATIONS

I hereby certify that

(name of federally recognized tribe or tribal organization)
expended funds under one or more BIA P.L. 93-638 contract(s) or compact(s) for each of
the following years marked below. Each year must be marked, enter yes or no.

| | | No | Yes |
|-----------------|--|-------|-------|
| FY (or CY) 1992 | | _____ | _____ |
| FY (or CY) 1993 | | _____ | _____ |
| FY (or CY) 1994 | | _____ | _____ |

If you answer yes to 1993 above, then you only need to provide the requested financial information below for 1993. Otherwise, you must provide the info for the other two years.

| | | Amount BIA '638 Non-construction Expenditures (Direct & Indirect) | Amount BIA Construction Expenditures* (Direct & Administrative) | Check Here If Your Entity Was A Tribally Controlled School Grantee Under 25 §2001 <i>et. seq.</i> U.S.C. |
|-----------------|--|--|---|--|
| FY (or CY) 1992 | | \$ _____ | \$ _____ | _____ |
| FY (or CY) 1993 | | _____ | _____ | _____ |
| FY (or CY) 1994 | | _____ | _____ | _____ |

* As defined on page 2 of this form. If the construction expenditure for the given year is \$100,000 or less, it will not be excluded from your BIA expenditures amount.

REQUIRED SUPPORTING DOCUMENTATION

If the BIA funding expenditures amount shown on the attached "Provisional List" for your organization for 1993 is not accurate, or if you entered a different amount for 1993 in the certification portion of this form, you must submit supporting documentation to verify the amount you claim to be correct as shown in the certification portion of this form. If you did not have BIA expenditures for 1993 you do need to document your 1992 and 1994 BIA expenditures, if any.

Separate documentation of construction expenditures will not be required unless REDW, LLC later determines that such documentation is required in a particular case.

SECTION II

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FOR SCHOOL GRANTEES ONLY

PLEASE NOTE: IF YOU ARE A CLASS MEMBER AS WELL AS A SCHOOL GRANTEE YOU MUST ALSO COMPLETE THIS SECTION.

School grant expenditures will be included as BIA expenditures only if they were included in the BIA direct program base in the calculation of a negotiated indirect cost rate per 25 U.S.C. §2008(h) (formerly §2008(d)(4)). Accordingly, School Grantees are required to attach their indirect cost agreements and all other data and documentation as may be required by the Independent CPA to demonstrate the amount of school expenditures which were included in the direct base under BIA expenditures.

I hereby certify that

(name of federally recognized tribal organization)
expended funds under one or more P.L. 93-638 contract(s) or compact(s) and under a Tribally Controlled School Grant Act grant for each of the years marked below and that the amounts listed below were included in the BIA direct cost base.

| | No | Yes | Indirect Cost Rate | Amount of BIA Expenditures In Direct Cost Base (including School Grant Expenditures) | Amount of BIA School Grant Expenditures in Direct Cost Base |
|------|-------|-------|-----------------------|---|---|
| 1992 | _____ | _____ | _____ | \$ _____ | \$ _____ |
| 1993 | _____ | _____ | _____ | _____ | _____ |
| 1994 | _____ | _____ | _____ | _____ | _____ |

