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APR 23 1980

Resolution No. 80-110

FORT APACHE INDIAN
AGENCY
WHITERIVER, ARIZ.

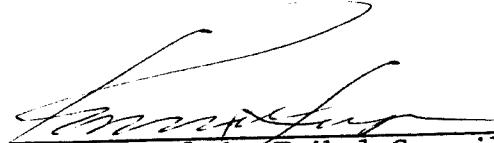
RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

- WHEREAS, the Tribal Council of the White Mountain Apache Tribe is advised that the Indian Health Service, DHEW, has made claims against tribal members, their agents or assigns, for sums of money allegedly representing the amount payable for medical or hospital services rendered to said tribal members at IHS Health Care facilities, and
- WHEREAS, tribal members would otherwise always receive federal health care without charge, pursuant to federal trust responsibility, and
- WHEREAS, some of the instances in which such U. S. Claims have reportedly been made arise as to tribal members who suffer medical injuries from vehicular accidents in which such tribal members have claims against their own purchased insurance coverage, if any, or third-party insurance coverage, and
- WHEREAS, such insurance coverages, on the one hand, present an opportunity of cash compensation to injured tribal members, and on the other hand are most often less than the extent of the injuries to the tribal members, and
- WHEREAS, the Tribal Council has previously acted by enacting Ordinance No. 101 the Tribe's Traffic Code, to not require tribal members to obtain insurance coverage in order to operate motor vehicles in accordance with tribal laws, because to make such requirement would cause immediate undue hardship to tribal members who would not be able to drive for employment or other purposes, under penalty; and
- WHEREAS, IHS Health Care services to tribal members, without charge, serves as a form of health "insurance" to them, and
- WHEREAS, the Tribal Council is informed that certain claims could not comparably be made against both health insurance as well as accident insurance in circumstances other than those involving the United States as the claimant; and
- WHEREAS, the foregoing discriminatory and divergent circumstances appear to the Tribal Council to discourage the purchase of insurance coverage by tribal members; to penalize tribal members who do buy insurance coverage; to deprive injured tribal members of full compensation for their injuries; and to give to the United States Government an unwarranted advantage in any event, at the expense of tribal members injuries.

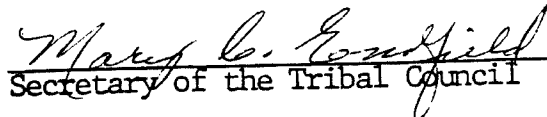
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that no tribal members shall suffer at the hands of the United States Government, or any agency thereof, by reason of unjust and unwarranted federal taking of monies payable from others to such tribal members for injuries sustained by them, on the basis that such injuries were treated by IHS/DHEW.

BE IT FURTHER RESOLVED that the Tribal Chairman and Tribal Legal Department are authorized and directed to take all such action necessary and proper to effectuate the purposes and intent of this resolution.

The foregoing resolution was on April 9, 1980 duly adopted by a vote of 8 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 By-Laws 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).



Chairman of the Tribal Council



Secretary of the Tribal Council