

  
6/25/96

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

**WHEREAS,** the Tribal Council of the White Mountain Apache Tribe has received a final judgment in the U.S. Claims Court case, known as Docket 22-H, in the approximate amount of \$22,123,247.32, said sum fluctuating due to accrued monthly interest pending Congressional approval of a Tribal Distribution Plan; and

**WHEREAS,** the Tribal Council, pursuant to Resolution No. 11-95-354, adopted November 9, 1995, unanimously recommended that 80% of the 22-H judgment funds be distributed in the form of a per capita distribution in equal shares to Tribal Members, or to individual descendants in accordance with the requirements of 25 U.S.C. 1401, *et seq.*, and 25 C.F.R. §87.1-87.12, as amended, and that 20% of the judgment funds, including investment income thereon, be used to establish a perpetual and permanent White Mountain Apache Land Restoration Fund, as described in that Resolution; and

**WHEREAS,** pursuant to Resolution No. 03-96-052, adopted March 5, 1996, the Tribal Council accepted the contents of the research report of judgment funds prepared by the Bureau of Indian Affairs, with the exception of the BIA recommendation that the total amount of the award be used for programs administered by the White Mountain Apache Tribe, which would include programs contracted with the Bureau of Indian Affairs; and

**WHEREAS,** the Tribal Council, pursuant to Resolution No. 04-96-085, adopted April 11, 1996, declared that all enrolled members of the Tribe who previously received a claims distribution under Docket 22-H for the San Carlos Apache Tribe would be ineligible for distribution of judgment claims distributed to members of the White Mountain Apache Tribe under Docket 22-H, and further, that Tribal Members who received a claims court judgment distribution while enrolled with any other Indian tribe, also would be ineligible for distribution of judgment claims distributed to members of the White Mountain Apache Tribe under Docket 22-H; and

**WHEREAS,** the Tribal Council has directed its Vital Records Department to work in close cooperation with the Bureau of Indian Affairs to produce a payment roll of all Tribal Members eligible to receive distributions; and

**WHEREAS,** those persons eligible to receive a per capita distribution of 22-H are those Tribal Members born on or prior to and living on the cut-off date established by the Tribal Council; and


- WHEREAS**, the Code of Federal Regulations requires the Secretary of the Interior to begin as early as possible the necessary research to determine the identity of the ultimate or present day beneficiaries of judgments; and
- WHEREAS**, the Tribal Vital Records Department has met and is currently working with the Bureau of Indian Affairs to accomplish that purpose; and
- WHEREAS**, the tribal people have waited almost fifty years for the completion of the claims case known as Docket 22-H and do not wish to delay distribution of the per capita funds owed to Tribal Members; and
- WHEREAS**, a per capita distribution is well justified in that a substantial portion of the Docket 22-H judgment was for the misappropriation of individual Indian Monies and Indian Monies Proceeds of labor; and
- WHEREAS**, historically, the Tribe established a per capita distribution of 80% in Docket 22-D, which was for payment for the taking of aboriginal lands outside Reservation boundaries; and
- WHEREAS**, the Tribal Vital Records and the Bureau of Indian Affairs both utilize computers to track the enrollment of eligible members of the Tribe and have recently updated enrollment records during a Secretarial election that took place September 30, 1993 and for a Tribal Council election which took place in April 1996; and
- WHEREAS**, based on the foregoing and the diligence pursuant to which the BIA local agency and Tribal Vital Records Department have updated tribal enrollment's records, it is not necessary to have a lengthy cut-off date for distribution of funds after the approval date of the proposed distribution plan as certain funds will be set aside for persons whose whereabouts are unknown; and
- WHEREAS**, 25 C.F.R. §87.1(0) provides that the Approval Date is the date that the 22-H distribution plan is approved by Congress which is the 60th day after a formal submittal of a plan by the Secretary to the Congressional Committees, unless disapproved by either House; and
- WHEREAS**, the Tribal Council concludes that the cut-off date for determination of persons eligible to receive the distribution of 22-H judgment funds shall be the 61st day after formal submittal of a distribution plan by the Secretary to the Congressional Committees, and that anyone born on, or prior to, and living on the cut-off date, shall be eligible to receive a distribution of Judgment 22-H funds.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that, for the foregoing reasons, it hereby establishes the cut-off date for receipt of distribution of Judgment 22-H funds to be the 61st day after formal submittal of a plan by the Secretary to the Congressional Committees, subject to the exclusions set forth in 25 C.F.R. §87.1(0) for adjournment and subject to the disapproval by either House.

**BE IT FURTHER RESOLVED** by the Tribal Council that any Tribal Member born on or prior to and living on the cut-off date, as established herein, shall be eligible to receive a distribution of Docket 22-H judgment funds as set forth in the distribution plan previously approved by the Tribal Council.

The foregoing resolution was on June 5, 1996 duly adopted by a vote of ten for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section I (a), (c), (h), (i), (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).

  
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Chairman of the Tribal Council

  
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Secretary of the Tribal Council

JUN 25 1996