

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

- WHEREAS,** the White Mountain Apache Tribe received funds as a result of a settlement in Claims Docket 22H 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 approved by the U.S. Congress on April 28, 1997; and became effective on April 29, 1997; and
- WHEREAS,** the Plan, published on July 2, 1997, in the Federal Register, Volume 62, No. 127, contained the following provision regarding the Per Capita Aspect: "Eighty Percent (80%) of the funds shall be distributed in the form of per capita payments by the Secretary of the Interior (hereinafter the "Secretary") in sums as equal as possible to all tribal members born on or prior to and living on the effective date of the Plan, except that individuals who have received judgment fund per capita payments while enrolled with any other tribe shall be ineligible to participate in the distribution of Docket 22-H funds"; and
- WHEREAS,** the Tribal Council of the White Mountain Apache Tribe enacted Resolution No. 05-97-128, on May 16, 1997, that prescribed eligibility criteria and established an enrollment deadline and procedures which included the prohibition against receipt of Claims Docket 22H funds, if an individual received prior "**accounting**" claims funds while enrolled with another Federally recognized Indian tribe; and
- WHEREAS,** language in Council Resolution NO. 05-97-128, and more specifically the prohibition stated in section 1.2 thereof under Eligibility, of receipt of Claims Docket 22H funds if an individual received prior funds in Claims Docket 22H distributed by the San Carlos Apache Tribe or other "**accounting**" claims, is inconsistent with the Plan published in the Federal Register which refers to "judgment fund per capita payments", and
- WHEREAS,** the Tribal Council wishes to amend the language of Section 1.2 of Resolution 05-97-128 to be consistent with the published Plan language regarding eligibility to receive funds.

Resolution No. 08-97-261

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in order to be consistent with the published Plan, section 1.2 Eligibility of Council Resolutions No. 05-97-128, is hereby amended to delete any references to other **“accounting”** claims and to read as follows: “Must not have received prior claims funds in Claim (sic) Docket 22H distributed by the San Carlos Apache Tribe; or other claims funds while enrolled with another Federally Recognized Indian tribe.”

BE IT FURTHER RESOLVED by the Tribal Council that all other provisions of Council Resolution 05-97-128 not in conflict with this amending resolution shall remain in full force and effect.

CERTIFICATION

The foregoing resolution was on August 22, 1997 duly adopted by a vote of seven 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), (l), (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