

UNITED SOUTH & EASTERN TRIBES, INC.

Resolution No. B-86-169

WHEREAS, The United South and Eastern Tribes, Inc., a duly authorized organization representing sixteen federally recognized Indian Tribes has been informed that the Secretary of Health and Human Services intends to publish proposed regulations in the Federal Register for notice and comment which, if implemented and made final, would restrict eligibility for health services provided directly or in contract from the Indian Health Service to Indians of at least one fourth or more degree of Indian blood, and

WHEREAS, Indian Tribes are recognized as quasi-sovereign nations with unquestioned governmental authority to determine who their members are, and

WHEREAS, Indian Tribes as governments entered into solemn treaties with the United States government by which said Tribes generally ceded vast land areas to the United States to provide for, among other things, the general welfare, health and education of the members of said tribes, and

WHEREAS, The Indian Reorganization Act of 1934 specifically recognized and authorized, as a federal policy, that Indian Tribes can define their membership without regard to minimum Indian blood quantum, and

WHEREAS, The United States Supreme Court in the case of Mancari vs Morton specifically hold that the special laws and programs established to benefit Indian people are not based upon a racial classification, but rather because of the unique political relationship between the federal government and Indian Tribes, and

WHEREAS, The proposed regulations being considered by the Secretary of Health and Human Services would restrict health service eligibility based upon degree of race and would ignore the political basis for such service eligibility and the mutual obligations of the parties executed pursuant to the respective treaties by which over ninety seven percent the land base of the Indian Tribes was ceded to the United States, and

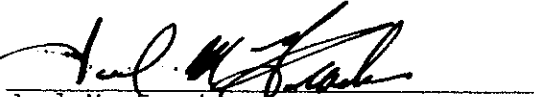
WHEREAS, Such proposed regulations would breach the obligations of the federal government, base eligibility upon degree of race rather than political affiliation and is in direct contradiction with the Indian Reorganization Act, Indian Self-determination and Self-government and will result in economic hardship and reduced health care to the Indian people of the United States,

THEREFORE BE IT RESOLVED, that The United South & Eastern Tribes, Inc.,

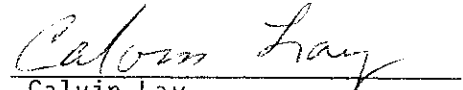
1. Vehemently oppose the proposed regulation restricting health service eligibility based upon degree of race rather than political affiliation.
2. Authorizes and directs the Executive Director to submit comments regarding the proposed eligibility regulations; and
3. Urgently requests the United States Congress to unequivocally oppose the proposed regulations.

CERTIFICATION

This resolution was duly passed at the Semi-Annual Board of Directors Meeting, at which a quorum was present, in Atlantic City, New Jersey; May 29, 1986.

  
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Joel M. Frank

President  
United South & Eastern Tribes, Inc.

  
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Calvin Lay

Secretary  
United South & Eastern Tribes, Inc.