

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Opposing Provisions in American Health Care Act and President Trump's FY 2018
Budget Request that Decrease Federal Health Funding for Native Americans)**

RESOLUTION NO. 17-227

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Legislative Council
2 with the authority to "promote, protect and provide for public health, peace,
3 morals, education and general welfare of the Tohono O'odham Nation and its
4 members" and to "consult with the Congress of the United States and
5 appropriate federal agencies regarding federal activities that affect the Tohono
6 O'odham Nation. . ." (Constitution, Article VI, Section 1(c)(2) and Section 1(j)); and

7 **WHEREAS,** the Patient Protection and Affordable Care Act ("ACA"), enacted on March 23,
8 2010, included a permanent reauthorization of the Indian Health Care
9 Improvement Act ("IHCIA"), and contains numerous provisions specifically and
10 directly affecting Native Americans, including an expansion of Medicaid
11 eligibility to adults earning up to 133% of the federal poverty level, an exemption
12 to the tax penalty for non-insurance coverage, an exemption for cost-sharing for
13 individuals under 300% of the federal poverty level, and special enrollment
14 periods to enroll in the insurance products offered on federally facilitated
15 exchanges; and

16 **WHEREAS,** permanent reauthorization of the IHCIA provided many new resources and
17 opportunities to tribal health care facilities as well as tribal members by
18 modernizing health delivery systems, enhancing Indian Health Services ("IHS")
19 funding, integrating behavioral health programs, and codifying provisions that
20 save costs and enhance resources for tribal health care facilities and their
21 patients; and

22 **WHEREAS,** the IHCIA also amended Section 1905(b) of the Social Security Act to require
23 100% federal reimbursement for Medicare and Medicaid services provided to all
24 patients of tribal health care facilities; and

25 **WHEREAS,** the U.S. House of Representatives recently passed H.R. 1628, the proposed
26 American Health Care Act, which preserves the IHCIA and tribal specific
27 provisions of the ACA, but significantly affects Medicaid expansion, imposes
28 work requirements for nondisabled, nonelderly, and nonpregnant adults,
29 requires frequent Medicaid eligibility determinations, and eliminates cost-
30 saving subsidies important to tribal health care facilities; and

31 **WHEREAS,** H.R. 1628 converts Medicaid funding to a "per capita" system, which
32 significantly affects the provision of tribal health care services, significantly
33 limits access to Medicaid for American Indians and Alaska Natives, and repeals

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1 cost-sharing subsidies that make health care available and affordable to low-
2 income American Indians and Alaska Natives; and

3 **WHEREAS,** on May 23, 2017, President Trump's administration released its FY 2018 budget
4 request, which includes a proposed \$300 million reduction in funding to Indian
5 Health Service, including a decrease of \$5 million for IHS Health Care Facilities
6 Construction, a decrease of \$23.8 million for IHS Sanitation Facilities
7 Construction, and a decrease of \$13.4 million for IHS Maintenance and
8 Improvement; and

9 **WHEREAS,** President Trump's FY 2018 budget request also projects that proposed reforms
10 to Medicaid allowing states to choose between a "per capita" system or "block
11 grant system" will save \$610 billion over ten years; and

12 **WHEREAS,** the Tohono O'odham Nation has historically opposed federal and state actions
13 that reduce the availability of federal funding for health related issues,
14 including funding for Medicaid, and opposed any increased restrictions and
15 limitations to Medicaid eligibility (Resolution No. 11-278, Resolution No. 15-233,
16 Resolution No. 15-469); and

17 **WHEREAS,** the Health and Human Services and Appropriations Committees recommend
18 opposing provisions in the American Health Care Act and President Trump's FY
19 2018 budget request, which reduces Medicaid funding for tribal health care
20 facilities, has the effect of reducing funding for the Indian Health Service,
21 reduces access to affordable health insurance, and imposes increased
22 restrictions and limitations to Medicaid eligibility.

23 **NOW, THEREFORE, BE IT RESOLVED** by the Tohono O'odham Legislative Council that it opposes
24 the following provisions in the American Health Care Act, as passed by the U.S.
25 House of Representatives:

- 26 (1) Section 112. Repeal of Medicaid expansion;
- 27 (2) Section 116. Providing incentives for increased frequency of eligibility
28 redeterminations;
- 29 (3) Section 117. Permitting States to apply a work requirement for
30 nondisabled, nonelderly, nonpregnant adults under Medicaid;
- 31 (4) Section 121. Per Capita allotment for medical assistance;
- 32 (5) Section 131. Repeal of Cost-Sharing Subsidy; and
- 33 (6) Any other provision which reduces Medicaid funding for tribal health
34 care facilities, has the effect of reducing funding for the Indian Health

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1 **Service, reduces access to affordable health insurance, and imposes increased**
2 **restrictions and limitations to Medicaid eligibility.**

3 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that it supports 100%
4 **federal reimbursement for Medicare and Medicaid services provided to all**
5 **patients of tribal health care facilities.**

6 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that it opposes
7 **provisions in President Trump's FY 2018 budget request decreasing funding to**
8 **Indian Health Service by \$300 million and any reductions to Medicaid funding.**

9 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that it authorizes and
10 **directs the Nation's delegation to the National Congress of American Indians'**
11 **2017 Mid-Year Conference and Marketplace to submit this resolution to NCAI for**
12 **its approval.**

13 **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that it authorizes and
14 **directs the Nation's Chairman or official designee to advocate the Nation's**
15 **positions expressed in this resolution to appropriate federal and state**
16 **departments, agencies, or members of Congress.**

17 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06TH**
18 **day of JUNE, 2017 at a meeting at which a quorum was present with a vote of 3,021.4 FOR; -0-**
19 **AGAINST; -0- NOT VOTING; and [08] ABSENT, pursuant to the powers vested in the Council by**
20 **Article VI, Section 1(c)(2) and Section 1 (j) of the Constitution of the Tohono O'odham Nation,**
21 **adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting**
22 **Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section**
23 **16 of the Act of June 18, 1934 (48 Stat.984).**

24
25 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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29 **Timothy Joaquin, Legislative Chairman**

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31 **7th** day of **June**, 2017

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33
34 **ATTEST:**

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37 **Evonne Wilson, Legislative Secretary**

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39 **6** day of **June**, 2017

40
41 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
42 **O'odham Nation on the 7 day of June, 2017 at 12:50 o'clock, P .m.,**
43 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
44 **effective upon his approval or upon his failure to either approve or disapprove it within 48**
45 **hours of submittal.**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Yvonne Cinda J. Allen for:
Timothy Joaquin, Legislative Chairman

APPROVED

on the 9 day of June, 2017

DISAPPROVED

at 9:20 o'clock, A.m.

Edward D. Manuel
EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 9 day of

June, 2017, at 9:58 o'clock, a.m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

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ACTION: OPPOSING PROVISIONS IN AMERICAN HEALTH CARE ACT AND PRESIDENT TRUMP'S FY 2018 BUDGET REQUEST THAT DECREASE FEDERAL HEALTH FUNDING FOR NATIVE AMERICANS

Moved: COUNCILMAN ANTHONY J. FRANCISCO JR. SECOND: COUNCILWOMAN RACHEAL VILSON-STONER

DATE: JUNE 06, 2017

| DISTRICT | LEGISLATIVE REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|----------------------|--|------------|---------|---------|------------|--------|
| BABOQUIVARI 367.2 | 1. FRANCES MIGUEL (Roberta E. Harvey) | 183.60 | X | | | X |
| | 2. VERNON J. SMITH (Gloria Zazueta) | 183.60 | X | | | |
| CHUKUT KUK 332.1 | 1. ETHEL GARCIA (<i>Absent</i>) (Marla Kay Henry) (<i>Present</i>) | 166.05 | X | | | X |
| | 2. BILLMAN LOPEZ (Patricia Vicenti) | 166.05 | X | | | |
| GUACHI 265.0 | 1. TIMOTHY L. JOAQUIN (Louis L. Johnson) | 132.50 | X | | | |
| | 2. LORETTA LEWIS () | 132.50 | X | | | X |
| GU VO 250.6 | 1. GRACE MANUEL (Dallas Lewis) | 125.30 | X | | | |
| | 2. PAMELA ANGHILL (Jeffery Antone, Sr.) | 125.30 | X | | | |
| HICKIWAN 205.8 | 1. LOUIS R. LOPEZ (Shirley Molina) | 102.90 | X | | | |
| | 2. SANDRA ORTEGA () | 102.90 | X | | | X |
| PISINEMO 219.9 | 1. CHESTER ANTONE (Caroline D. Garcia) | 109.95 | X | | | |
| | 2. MONICA K. MORGAN () | 109.95 | X | | | X |
| SAN LUCY 226.5 | 1. DIANA MANUEL (Lorraine Eiler) | 113.25 | X | | | |
| | 2. JANA MONTANA (<i>Absent</i>) (Gloria Ramirez) (<i>Present</i>) | 113.25 | X | | | X |
| SAN XAVIER 228.6 | 1. DANIEL L.A. PRESTON III (<i>Absent</i>) (Felicia Nunez) (<i>Present</i>) | 114.30 | X | | | X |
| | 2. RACHEAL VILSON-STONER (Olivia Villegas-Liston) | 114.30 | X | | | |
| SCHUK TOAK 180.6 | 1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue) | 90.30 | X | | | |
| | 2. QUINTIN C. LOPEZ (John Fendenheim) | 90.30 | X | | | |
| SELLS 513.5 | 1. ARTHUR WILSON (Beverly Rivas) | 256.75 | X | | | |
| | 2. BARBARA HAVIER (<i>Absent</i>) (Idaleen Reyes) (<i>Present</i>) | 256.75 | X | | | X |
| SIF OIDAK 231.6 | 1. LUCINDA ALLEN () | 115.80 | X | | | |
| | 2. MARY LOPEZ () | 115.80 | X | | | |
| TOTAL | | 3,021.4 | 3,021.4 | -0- | -0- | [08] |