

**RESOLUTION OF THE TOHONO O’ODHAM LEGISLATIVE COUNCIL
(Opposing Federal Legislation or Actions that Will Decrease Federal Funding for
and Access to Health Services)**

RESOLUTION NO. 17-321

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, includes 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 **Medicaid work requirements for nondisabled, nonelderly, and nonpregnant**
29 **adults, requires frequent Medicaid eligibility determinations, and eliminates**
30 **cost-saving subsidies important to tribal health care facilities; and**
31 **WHEREAS, Medicaid work requirements for Native American enrollees only impose**
32 **additional financial burdens on Indian Health Service or tribal health care**
33 **facilities that rely on third party reimbursements from Medicaid when enrollees**

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1 are unable to find work in historically economically depressed areas and
2 become ineligible for Medicaid; and
3 **WHEREAS,** in the best interests of the Nation's members, by Resolution No. 15-469, the
4 Legislative Council opposed work requirements in Arizona's September 30, 2015
5 Demonstration Waiver Proposal; and
6 **WHEREAS,** other states such as Wisconsin, Kentucky, and Maine have either submitted or
7 are considering submitting Medicaid demonstration waiver proposals that
8 include a Medicaid work requirement and while those state proposals would not
9 directly affect the Nation's members, it would benefit the Nation's members'
10 access to affordable health services to oppose other states' demonstration
11 waiver proposals that include a Medicaid work requirement; and
12 **WHEREAS,** by Resolution No. 17-227, the Legislative Council opposed specific provisions in
13 H.R. 1628, the American Health Care Act, which reduced Medicaid funding for
14 tribal health care facilities, or which had the effect of reducing funding for the
15 Indian Health Service, and reduced access by Native Americans to affordable
16 health insurance, and imposed increased restrictions such as a Medicaid work
17 requirement and limitations for Medicaid eligibility; and
18 **WHEREAS,** the Senate recently released the Better Care Reconciliation Act, which includes
19 similar provisions that phase out the expansion of Medicaid to individuals up to
20 133% of the federal poverty level, and transforms funding for Medicaid to a "per
21 capita" system; and
22 **WHEREAS,** the Health and Human Services and Appropriations Committees recommend
23 opposing any federal legislation or action that would reduce funding for
24 Medicaid, impose increased restrictions such as a Medicaid work requirement
25 and other limitations for Medicaid eligibility, or would reduce access by Native
26 Americans to affordable health insurance, including the Better Care
27 Reconciliation Act.
28 **NOW, THEREFORE, BE IT RESOLVED** by the Tohono O'odham Legislative Council that it opposes
29 any federal legislation or action that would reduce funding for Medicaid, impose
30 increased restrictions such as a Medicaid work requirement and other
31 limitations for Medicaid eligibility, or would reduce access by Native Americans
32 to affordable health insurance, including the Better Care Reconciliation Act .
33 **BE IT FINALLY RESOLVED** that the Tohono O'odham Legislative Council authorizes the Nation's
34 chairperson or official designee and the Appropriations Committee to advocate
35 the Nation's positions expressed in this resolution to appropriate federal and
36 state departments, agencies, or members of Congress.

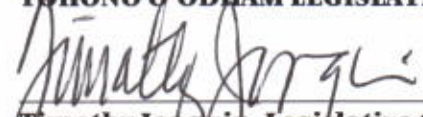
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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14th day of JULY, 2017 at a meeting at which a quorum was present with a vote of 2,898.55 FOR; 186.05 AGAINST; [01] NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c)(2) and 1(j) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

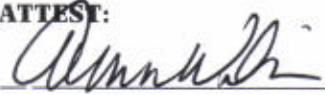
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

14 day of July, 2017

ATTEST:



Evonne Wilson, Legislative Secretary

14 day of July, 2017

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 14 day of July, 2017 at 3:56 o'clock, p.m., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

APPROVED

on the 18th day of July, 2017

DISAPPROVED

at 10:07 o'clock, a.m.



EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

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1 Returned to the Legislative Secretary on the 18 day of

2 July, 2017, at 10:14 o'clock, a.m.

3 Evonne Wilson

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7 **Evonne Wilson, Legislative Secretary**

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ACTION: OPPOSING FEDERAL LEGISLATION OR ACTIONS THAT WILL DECREASE FEDERAL FUNDING FOR AND ACCESS TO HEALTH SERVICES

Moved: COUNCILMAN ANTHONY J. FRANCISCO, JR.

SECOND: COUNCILMAN DANIEL L.A. PRESTON, III

DATE: JULY 14, 2017

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDA 235.8	1. MARY LOPEZ ()	117.9	X			
	2. LUCINDA ALLEN (Yolonda Garcia)	117.9	X			
SELLS 527.2	1. ARTHUR WILSON <i>(Absent)</i> (Beverly Rivas) <i>(Present)</i>	263.6	X		X	
	2. ADRIANNE TILLER (Idaleen Reyes)	263.6	X			
SCHUK TOAK 185.7	1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue)	92.85	X			
	2. QUINTIN C. LOPEZ (Agnes V. Joaquin)	92.85	X			
SAN XAVIER 232.3	1. DANIEL L.A. PRESTON III (Felicia Nunez)	116.15	X			
	2. JANICE FELIX ()	116.15	X			
SAN LUCY 231.1	1. JANA MONTANA ()	115.55	X			X
	2. GLORIA RAMIREZ (Lorraine Eiler)	115.55	X			
PISINEMO 225.9	1. CHESTER ANTONE (Caroline D. Garcia)	112.95	X			
	2. MONICA K. MORGAN ()	112.95	X			
HICKIWAN 209.0	1. LOUIS R. LOPEZ <i>(Absent)</i> (Shirley Molina) <i>(Present)</i>	104.5	X			
	2. SANDRA D. ORTEGA ()	104.5	X			X
GU VO 256.9	1. GRACE MANUEL ()	128.45	X			
	2. DALLAS LEWIS <i>(Absent)</i> (Nacho Flores) <i>(Present)</i>	128.45	X			
GU ACHI 270.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	135.45	X			
	2. LORETTA LEWIS (Victoria Hobbs)	135.45	X			
CHUKUT KUK 337.7	1. BILLMAN LOPEZ (Patricia Vicenti)	168.85	X			
	2. VIVIAN JUAN-SAUNDERS (Juanita Homer)	168.85	X			
BABOQUIVARI 372.1	1. FRANCES MIGUEL <i>(Absent)</i> (Roberta E. Harvey) <i>(Present)</i>	186.05	X			
	2. LEANDER MASE ()	186.05	X	X		
TOTAL		3,084.6	2,898.55	186.05	[01]	[02]