

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Supporting United States Department of Health and Human Services Secretary's
Tribal Advisory Committee Resolution)

RESOLUTION NO. 18-452

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

7 **WHEREAS,** sovereign Indian tribes, including the Tohono O'odham Nation, share a unique
8 trust relationship with the United States of America, which is embodied in the
9 Constitution of the United States, numerous court opinions, statutes, executive
10 orders, and federal agency policies; and

11 **WHEREAS,** the U.S. Department of Health and Human Services ("HHS") Secretary's Tribal
12 Advisory Committee ("STAC") was established in 2010 representing the highest
13 level tribal advisory committee in the HHS and is intended as a forum for
14 government-to-government consultation; and

15 **WHEREAS,** the HHS STAC are charged with advising and guiding the HHS Secretary in the
16 development of health care policy and are specially charged with identifying
17 proposed policy or actions that will impact sovereign tribal nations and citizens;
18 and

19 **WHEREAS,** Representative Chester Antone serves as the STAC Tucson Area delegate and STAC
20 chairperson with a term expiring January 2019; and

21 **WHEREAS,** the HHS STAC has passed a "Resolution to Support and Promote the Government-
22 to-Government Relationship Between the United States and Tribes and to Protect
23 Tribal Sovereignty" which urges meaningful consultation by the HHS and the
24 Centers for Medicare and Medicaid Services ("CMS") with tribal nations on the
25 CMS policy to allow states to impose work requirements as a condition of
26 eligibility and the related policies regarding CMS exemption of tribal nations and
27 citizens and the approval of state waivers which provide an exemption for tribal
28 nations and citizens; and

29 **WHEREAS,** the U.S. Department of Health and Human Services Tribal Consultation Policy
30 states in part:

31 U.S. Department of Health and Human Services and Indian Tribes share
32 the goal to establish clear policies to further the government-to-
33 government relationship between the Federal Government and Indian
34 Tribes. True and effective consultation shall result in information

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1 exchange, mutual understanding, and informed decision-making on
2 behalf of the Tribal governments involved and the Federal Government.

3 ; and

4 **WHEREAS, the Tohono O'odham Nation has historically opposed any restrictions and**
5 **limitations to Medicaid eligibility and more recently approved Resolution No. 18-**
6 **260, "Requesting Meaningful Consultation with Centers for Medicare and**
7 **Medicaid Services Regarding the Imposition of Work Requirements for Medicaid**
8 **Eligibility" (Resolution No. 15-233, Resolution No. 15-469, and Resolution No. 17-**
9 **227); and**

10 **WHEREAS, the Health and Human Services Committee recommends supporting the HHS**
11 **STAC resolution and reaffirming Resolution No. 18-260.**

12 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council supports the**
13 **U.S. Department of Health and Human Services Secretary's Tribal Advisory**
14 **Committee resolution.**

15 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council reaffirms Resolution No.**
16 **18-260 urging meaningful consultation with the Centers for Medicare and**
17 **Medicaid Services regarding the imposition of work requirements for Medicaid**
18 **recipients in Indian Country.**

19 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 16TH**
20 **day of NOVEMBER, 2018 at a meeting at which a quorum was present with a vote of 3,084.6 FOR;**
21 **-0-AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
22 **Article VI, Section 1(c)(2) and Section 1 (j) of the Constitution of the Tohono O'odham Nation,**
23 **adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy**
24 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the**
25 **Act of June 18, 1934 (48 Stat.984).**

26 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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30 **Timothy Joaquin, Legislative Chairman**

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32 16 day of November, 2018

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35 **ATTEST:**

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38 **Evonne Wilson, Legislative Secretary**

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40 16 day of November, 2018

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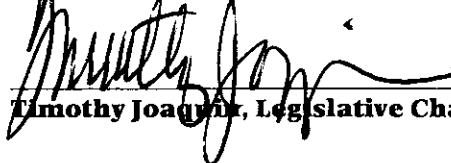
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1 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
2 **O'odham Nation on the 16 day of November, 2018 at 2:07 o'clock, P .m.,**
3 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
4 **effective upon his approval or upon his failure to either approve or disapprove it within 48**
5 **hours of submittal.**

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7 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**


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11 **Timothy Joaquin, Legislative Chairman**

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15 **APPROVED**

on the 16 day of November, 2018

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17 **DISAPPROVED**

at 3:41 o'clock, P .m.

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21 **EDWARD D. MANUEL, CHAIRMAN**
22 **TOHONO O'ODHAM NATION**

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26 **Returned to the Legislative Secretary on the 19 day of**

27 November, 2018, at 9:10 o'clock, A .m.

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32 **Evonne Wilson, Legislative Secretary**

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ACTION: SUPPORTING UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES SECRETARY'S TRIBAL ADVISORY COMMITTEE RESOLUTION

Moved: COUNCILMAN CHESTER ANTONE

SECOND: COUNCILMAN ANTHONY J. FRANCISCO JR.

DATE: NOVEMBER 16, 2018

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 235.8	1. MARY LOPEZ ()	117.9	X			
	2. LUCINDA ALLEN (<i>Absent</i>) (Yolonda Garcia) (<i>Present</i>)	117.9	X			
SELLS 527.2	1. ARTHUR WILSON (Evelyn Juan Manuel)	263.6	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 (<i>Absent</i>) (Agnes V. Joaquin) (<i>Present</i>)	92.85	X			
SAN XAVIER 232.3	1. DANIEL L.A. PRESTON III (<i>Absent</i>) (Felicia Nunez) (<i>Present</i>)	116.15	X			X
	2. JANICE FELIX ()	116.15	X			
SAN LUCY 231.1	1. JANA MONTANA (Diana Manuel)	115.55	X			
	2. GLORIA RAMIREZ (Lorraine Eller)	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 (Shirley Molina)	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 Antone)	168.85	X			
	2. VIVIAN JUAN-SAUNDERS (Juanita Homer)	168.85	X			
BABOQUIVARI 372.1	1. FRANCES MIGUEL (Roberta E. Harvey)	186.05	X			X
	2. LEANDER MASE (<i>Absent</i>) (Francine Schooling) (<i>Present</i>)	186.05	X			
TOTAL		3,084.6	3,084.6	-0-	-0-	[03]