

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Supporting Protection of Indian Self-Determination and Adoption of Restructuring
Workgroup Recommendations for the United States Department of Human Services
Restructuring)**

RESOLUTION NO. 02-276

1 **WHEREAS, the United States Department of Health and Human Services ("HHS") is now**
2 **undergoing a substantial restructuring that is intended to allow the HHS to be**
3 **managed more efficiently as a single department, increase management and**
4 **financial accountability, and make programs more responsive; and**

5 **WHEREAS, in order for the HHS to accomplish its restructuring objectives, separate and distinct**
6 **agencies providing health and human services would be consolidated within the HHS;**
7 **and**

8 **WHEREAS, the HHS restructuring would also involve consolidation of human capital, financial**
9 **performance, e-government, budget and performance integrations, and competitive**
10 **sourcing; and**

11 **WHEREAS, as an agency currently within the HHS, the IHS has been directed to participate in the**
12 **Department-wide restructuring, which would necessarily involve consolidating**
13 **Indian health-related functions and services; and**

14 **WHEREAS, the Indian Health Service is primarily responsible for meeting the health care needs**
15 **of American Indian people, but is so underfunded that the per capita personal health**
16 **care expenditure for American Indians is approximately 54% of other Americans; on**
17 **average, American Indians receive lower health care expenditure per capita than**
18 **prison inmates; and**

19 **WHEREAS, the HHS restructuring fails to take into account the historic underfunding of the IHS**
20 **and the resulting impact on American Indian health and human services; and**

21 **WHEREAS, consolidation of IHS functions would also reduce or eliminate a tribal government's**
22 **ability to track its "tribal shares" within the federal government, and thereby**
23 **undermine the long-established federal policy of self-determination as set forth**
24 **under the Indian Self-Determination and Education Assistance Act (25 U.S.C. § 450 et**
25 **seq. (2001)); and**

26 **WHEREAS, the HHS restructuring would likewise harm Indian self-determination by eliminating**
27 **the authority for Indian Preference as established under Title VII of the Indian**
28 **Reorganization Act (25 U.S.C. § 461 et seq. (2001)); and**

29 **WHEREAS, the restructuring would also centralize health and human service programs to the**

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1 extent that the federal trust responsibility to provide these programs to American
2 Indians would be diminished; and

3 **WHEREAS, on May 5, 2002, a workgroup of Indian leaders from each of the twelve IHS areas**
4 **acting in cooperation with federal employees published its "2002 Restructuring**
5 **Initiative Workgroup Draft Report," ("Report") which identifies these and other**
6 **critical issues that the HHS must consider in order not only to protect, but to improve**
7 **the quality of Indian health care during the restructuring; and**

8 **WHEREAS, the Workgroup will finalize its recommendations in a subsequent report which will**
9 **be submitted to the Director of the IHS and the Secretary of the HHS; and**

10 **WHEREAS, within the Report, the Restructuring Workgroup makes numerous recommendations**
11 **to the HHS that are designed to expand health and human services to American**
12 **Indians, protect tribal sovereignty, honor the government-to-government**
13 **relationship, and increase Indian health care funding; and**

14 **WHEREAS, the HHS must ensure that its restructuring will not further erode federal health and**
15 **human services available to Native American people and that Indian Country**
16 **proposals will be incorporated into the restructured HHS.**

17 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby**
18 **urges the President of the United States and the Secretary of the Department of**
19 **Health and Human Services to protect any and all gains accomplished by and through**
20 **the Indian Self-Determination and Education Act and Title VII of the Indian**
21 **Reorganization Act during the Restructuring Process.**

22 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council specifically opposes**
23 **the consolidation of the Indian Health Service such that tribes would lose their ability**
24 **to track tribal shares or in a manner that would diminish the federal trust**
25 **responsibility for American Indian health and human services.**

26 **BE IT FINALLY RESOLVED that the Tohono O'odham Nation supports the adoption and**
27 **implementation of the Restructuring Workgroup's recommendations within the HHS**
28 **restructuring process, including the call for HHS to conduct meaningful**
29 **consultations with Indian tribes before taking any action that would affect federal**
30 **Indian health and human services or programs.**

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06TH Day of JUNE, 2002 at a meeting at which a quorum was present with a vote of 2,417.5 FOR; -0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Section 1 (c)(2), (f) & (j) of Article VI 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

Rita A. Martinez
Rita A. Martinez, Legislative Chairwoman

10th day of June, 20 02

ATTEST:

Juliana Saraficio
Juliana Saraficio, Acting Legislative Secretary

06 day of June, 20 02.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 10th day of June, 20 02 at 3:05 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

Rita A. Martinez
Rita A. Martinez, Legislative Chairwoman

APPROVED

on the 10 day of June, 20 02

DISAPPROVED

at 4:15 o'clock, P.M.

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

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Returned to the Legislative Secretary on the 10th day of

June, 20 02, at 5:09 o'clock, P.M.

Julianna Saraficio for
Julianna Saraficio, Acting Legislative Secretary

ACTION: SUPPORTING PROTECTION OF INDIAN SELF-DETERMINATION AND ADOPTION OF RESTRUCTURING WORKGROUP RECOMMENDATIONS FOR THE UNITED STATES DEPARTMENT OF HUMAN SERVICES RESTRUCTURING

MOVED: COUNCILMAN ALBERT MANUEL JR.

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: JUNE 06, 2002

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 317.7	1. FRANCES MIGUEL ()	158.85	X			
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			
CHUKUT KUK 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			X
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			
GU ACHI 230.7	1. CAMILLUS LOPEZ ()	115.35	X			
	2. ALEX J. RAMON (Jerome Joaquin)	115.35	X			
GU VO 188.3	1. FERN SALCIDO ()	94.15	X			
	2. EMILIO LEWIS (Michael Flores)	94.15	X			
HICKIWAN 167.3	1. SHIRLEY MOLINA ()	83.65	X			
	2. SANDRA ORTEGA ()	83.65	X			
PISINEMO 174.7	1. BARBARA SALVICIO (Alex Antone)	87.35	X			
	2. PATRICIA CRUZ (Johnson Jose)	87.35	X			
SAN LUCY 160.7	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35	X			
	2. GLORIA RAMIREZ ()	80.35	X			
SAN XAVIER 184.7	1. CRESCENCIO "TONY" ENCINAS ()	92.35	X			
	2. DENNIS RAMON ()	92.35	X			
SCHUK TOAK 144.5	1. MARY FLORES ()	72.25	X			
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25	X			
SELLS 416.1	1. DENNIS E. JOSE ()	208.05	X			
	2. EVELYN JUAN ()	208.05	X			
SIF OIDAK 184.7	1. ISIDRO LOPEZ ()	92.35	X			
	2. RITA MARTINEZ (Nicholas Jose)	92.35	X			
TOTAL		2,417.5	2,417.5	-0-	-0-	[01]

****PASSED VOTES**