

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Urging the National Institutes of Health to Adopt a Tribal Consultation Policy)**

**RESOLUTION NO. 09-177**

- 1 **WHEREAS, the Constitution of the Tohono O'odham Nation authorizes the Legislative Council to**  
2 **“promote, protect and provide for public health, peace, morals education and general**  
3 **welfare of the Tohono O'odham Nation and its members” and to “consult with . . .**  
4 **appropriate federal agencies regarding federal activities that affect the Tohono**  
5 **O'odham Nation” (Constitution, Article VI, Section 1(c)(2), and Section 1(j)); and**
- 6 **WHEREAS, sovereign Indian tribes, including the Tohono O'odham Nation, share a unique trust**  
7 **relationship with the United States of America, which is embodied in the Constitution**  
8 **of the United States, numerous court opinions, statutes, executive orders, and federal**  
9 **agency policies; and**
- 10 **WHEREAS, by its passage and implementation of the Indian Self-Determination and Education**  
11 **Assistance Act (25 U.S.C. § 450 et seq.) and similar legislation, the United States of**  
12 **America has recognized the need to work with Indian tribes on a government-to-**  
13 **government basis and to support Indian tribal self-determination and self-**  
14 **governance; and**
- 15 **WHEREAS, on November 6, 2000 President William J. Clinton issued Executive Order 13175,**  
16 **“Consultation and Coordination with Indian Tribal Governments” (“Consultation**  
17 **Order”), thereby mandating that Executive Branch agencies work with tribes when**  
18 **formulating and implementing policies or taking other actions that have a substantial**  
19 **direct effect on any Indian tribe; and**
- 20 **WHEREAS, the Consultation Order and earlier executive orders and memoranda require that all**  
21 **Executive agencies ensure that there is “meaningful” and “timely” tribal input when**  
22 **formulating policies that have tribal implications; and**
- 23 **WHEREAS, in January 2005, the United States Department of Health and Human Services adopted**  
24 **a “Department Tribal Consultation Policy” requiring that “each HHS Operating and**  
25 **Staff Division (Division) shall have an accountable process to ensure meaningful and**  
26 **timely input by Tribal officials in the development of policies that have Tribal**  
27 **implications”; and**
- 28 **WHEREAS, the National Institutes of Health, an agency within the Department of Health and**  
29 **Human Services primarily responsible for medical and behavioral health research,**  
30 **does not have a tribal consultation policy; and**

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1 **WHEREAS, a tribal consultation policy with the National Institutes of Health could direct research**  
2 **policy and solve serious medical and behavioral health issues, such as diabetes,**  
3 **cancer, and suicide prevention, faced by the Tohono O'odham Nation and its**  
4 **members.**

5 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it urges the**  
6 **National Institutes of Health to promptly develop and adopt a meaningful tribal**  
7 **consultation policy that will direct research policy and solve serious medical and**  
8 **behavioral health issues, such as diabetes, cancer, and suicide prevention, faced by**  
9 **all Indian tribes and tribal members.**

10 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that it urges the National**  
11 **Congress of American Indians, National Indian Health Board, other tribal advocacy**  
12 **groups, and all Indian tribes to actively support the effort to obtain a National**  
13 **Institutes of Health tribal consultation policy.**

14 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13<sup>TH</sup>. Day**  
15 **of APRIL, 2009 at a meeting at which a quorum was present with a vote of 2,443.95 FOR; -0-**  
16 **AGAINST; 90.55 NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by**  
17 **Section 1 (c)(2) and 1 (j) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted**  
18 **by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**  
19 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**  
20 **18, 1934 (48 Stat. 984).**

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22 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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25   
26 **Verlon M. Jose, Legislative Chairman**

27  
28 15<sup>th</sup> day of April, 2009

29 **ATTEST:**

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32 \_\_\_\_\_  
33 **Evonne Wilson, Legislative Secretary**

34  
35 13<sup>th</sup> day of April, 2009.

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37 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham**  
38 **Nation on the 15<sup>th</sup> day of April, 2009 at 8:32 o'clock, a.M.,**  
39 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**  
40 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**  
41 **submittal.**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

FeliciaUNITY for  
Verlon M. Jose, Legislative Chairman

APPROVED

on the 15 day of April, 2009

DISAPPROVED

at 1:05 o'clock, P.M.

Ned Norris, Jr.  
NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 15 day of

April, 2009, at 3:07 o'clock, P.M.

Evonne Wilson  
Evonne Wilson, Legislative Secretary

ACTION: URGING THE NATIONAL INSTITUTES OF HEALTH TO ADOPT A TRIBAL CONSULTATION POLICY

MOVED: COUNCILWOMAN SANDRA ORTEGA

SECOND: COUNCILMAN CHESTER ANTONE

DATE: APRIL 13, 2009

| DISTRICT                    | LEGISLATIVE REPRESENTATIVES   | # OF VOTES     | FOR             | AGAINST    | NOT VOTING   | ABSENT      |
|-----------------------------|---|----------------|-----------------|------------|--------------|-------------|
| <b>BABOQUIVARI</b><br>316.9 | 1. FRANCES MIGUEL ( <i>Absent</i> )<br>(Roberta Harvey) ( <i>Present</i> )  | 158.45         | X               |            |              |             |
|                             | 2. FRANCES G. ANTONE ( <i>Absent</i> )<br>(Vernon Smith) ( <i>Present</i> ) | 158.45         | X               |            |              |             |
| <b>CHUKUT KUK</b><br>264.8  | 1. ETHEL GARCIA<br>( )  | 132.40         | X               |            |              |             |
|                             | 2. VERLON M. JOSE<br>( )  | 132.40         | X               |            |              | X           |
| <b>GU ACHI</b><br>227.9     | 1. TIMOTHY L. JOAQUIN<br>(Louis L. Johnson)                                 | 113.95         | X               |            |              |             |
|                             | 2. CYNTHIA E. MANUEL<br>( )   | 113.95         | X               |            |              |             |
| <b>GU VO</b><br>199.2       | 1. GRACE MANUEL<br>( )  | 99.60          | X               |            |              |             |
|                             | 2. RAYMOND VICTOR<br>( )  | 99.60          | X               |            |              | X           |
| <b>HICKIWAN</b><br>172.0    | 1. MICHELLE ORTEGA<br>( )   | 86.00          | X               |            |              | X           |
|                             | 2. SANDRA ORTEGA<br>(Louie Lopez)   | 86.00          | X               |            |              |             |
| <b>PISINEMO</b><br>182.4    | 1. CHESTER ANTONE<br>(Tony Murrietta)                                       | 91.20          | X               |            |              |             |
|                             | 2. GERALD FAYUANT<br>( )  | 91.20          | X               |            |              |             |
| <b>SAN LUCY</b><br>181.1    | 1. LORRAINE EILER<br>( )  | 90.55          | X               |            |              |             |
|                             | 2. GLORIA RAMIREZ<br>( )  | 90.55          |                 |            | X            |             |
| <b>SAN XAVIER</b><br>196.5  | 1. FELICIA NUÑEZ<br>(Adam P. Andrews)                                       | 98.25          | X               |            |              |             |
|                             | 2. OLIVIA VILLEGAS-LISTON<br>(Eileen A. Estrada-Lopez)                      | 98.25          | X               |            |              | X           |
| <b>SCHUK TOAK</b><br>154.6  | 1. FRANCES B. CONDE<br>(Frederick Jose)                                     | 77.30          | X               |            |              | X           |
|                             | 2. PHYLLIS CACHORA<br>(Agnes Joaquin)                                       | 77.30          | X               |            |              |             |
| <b>SELLS</b><br>444.7       | 1. KIMBERLY LISTO<br>( )  | 222.35         | X               |            |              |             |
|                             | 2. EVELYN B. JUAN MANUEL<br>( )   | 222.35         | X               |            |              |             |
| <b>SIF OIDAK</b><br>194.4   | 1. WAVALENE ROMERO<br>( )   | 97.20          | X               |            |              |             |
|                             | 2. MARY LOPEZ<br>( )  | 97.20          | X               |            |              |             |
| <b>TOTAL</b>                |   | <b>2,534.5</b> | <b>2,443.95</b> | <b>-0-</b> | <b>90.55</b> | <b>[05]</b> |

\*\*PASSED VOTES