

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Adopting Comparative Effectiveness Research Recommendations and Comments for
Submission to the Federal Coordinating Council)

RESOLUTION NO. 09-337

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, as the United States Congress has recognized, “Federal health services to maintain**
11 **and improve the health of the Indians are consonant with and required by the Federal**
12 **Government's historical and unique legal relationship with, and resulting**
13 **responsibility to, the American Indian people.” (25 U.S.C. Section 1601(a)); and**

14 **WHEREAS, although “the unmet health needs of the American Indian people are severe and the**
15 **health status of the Indians is far below that of the general population of the United**
16 **States,” the United States, in the fulfillment of its trust obligation to Indian people, has**
17 **made it a goal “to provide the quantity and quality of health services which will permit**
18 **the health status of Indians to be raised to the highest possible level and to encourage**
19 **the maximum participation of Indians in the planning and management of those**
20 **services.” (25 U.S.C. Section 1601(d) and (b)); and**

21 **WHEREAS, on November 6, 2000 President William J. Clinton issued Executive Order 13175,**
22 **“Consultation and Coordination with Indian Tribal Governments” (“Consultation**
23 **Order”), thereby mandating that Executive Branch agencies work with tribes when**
24 **formulating and implementing policies or taking other actions that have a substantial**
25 **direct effect on any Indian tribe; and**

26 **WHEREAS, the Consultation Order and earlier executive orders and memoranda require that all**
27 **Executive agencies ensure that there is “meaningful” and “timely” tribal input when**
28 **formulating policies that have tribal implications; and**

29 **WHEREAS, Section 804 of the American Recovery and Reinvestment Act of 2009 (“ARRA”)(Public**
30 **Law No. 111-5) establishes the Federal Coordinating Council for Comparative**
31 **Effectiveness Research to “foster optimum coordination of comparative effectiveness**

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1 **and related health services research conducted or supported by relevant Federal**
2 **departments and agencies. . .”; and**

3 **WHEREAS, comparative effectiveness research is tentatively defined by the Federal Coordinating**
4 **Council to be “the conduct and synthesis of systemic research comparing different**
5 **interventions and strategies to prevent, diagnose, treat and monitor health conditions**
6 **...”(FCC Draft Definition <http://www.hhs.gov/recovery/programs/cer/draftdefinition/>**
7 **html); and**

8 **WHEREAS, the Federal Coordinating Council held a “listening session” on April 14th to “hear public**
9 **comments regarding comparative effectiveness research” and has scheduled another**
10 **“listening session” for June 10, 2009 so that members of the public and stakeholders**
11 **can submit their comments; and**

12 **WHEREAS, the Federal Coordinating Council is required to submit an initial report to President**
13 **Obama and Congress with information about current activities on comparative**
14 **effectiveness research and recommendations for research conducted or supported**
15 **from ARRA funds no later than June 30, 2009; and**

16 **WHEREAS, it is essential that Indian tribes including the Tohono O’odham Nation be involved in**
17 **efforts to coordinate health-related research that will affect Indian peoples, that may**
18 **evaluate alternative and traditional healing methods, and that will ultimately affect**
19 **health services to all Native Americans; and**

20 **WHEREAS, the Tohono O’odham Nation has several issues and concerns regarding comparative**
21 **effectiveness research, summarized in the “Tohono O’odham Nation**
22 **ARRA/Comparative Effectiveness Research Recommendations,” (“CER**
23 **Recommendations”)** which is incorporated by this reference, about how the research
24 **is conducted and the application of the research’s results and possible effects on the**
25 **quantity and quality of healthcare provided to members of the Nation; and**

26 **WHEREAS, submission of the CER Recommendations to the Federal Coordinating Council will**
27 **express the Nation’s concerns and recommendations regarding comparative**
28 **effectiveness research, provide meaningful and timely input, and reinforce the federal**
29 **government’s trust obligation to maintain and improve the health of Indians,**
30 **including members of the Tohono O’odham Nation.**

31 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O’odham Legislative Council that it adopts the**
32 **“Tohono O’odham Nation ARRA/Comparative Effectiveness Research**
33 **Recommendations” as the Nation’s official comments and recommendations for**

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1 **submission to the Federal Coordinating Council for Comparative Effectiveness**
2 **Research.**

3 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that it authorizes and
4 **directs the Nation's Chairperson to submit the "Tohono O'odham Nation**
5 **ARRA/Comparative Effectiveness Research Recommendations" to the Federal**
6 **Coordinating Council by June 10, 2009.**

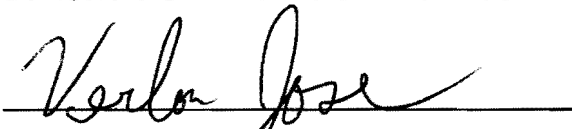
7 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09TH. Day**
8 **of JUNE, 2009 at a meeting at which a quorum was present with a vote of 2,098.55 FOR; 298.25**
9 **AGAINST; 02 NOT VOTING; and 198.7 [02] ABSENT, pursuant to the powers vested in the Council by**
10 **Article VI Section 1(c)(2)&(j) of the Constitution of the Tohono O'Odham Nation, adopted by the**
11 **Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
12 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
13 **18, 1934 (48 Stat. 984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

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Verlon M. Jose, Legislative Chairman

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9 day of June, 2009

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21 **ATTEST:**

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Evonne Wilson, Legislative Secretary

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9 day of June, 2009.

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham
Nation on the 9 day of June, 2009 at 4:54 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.

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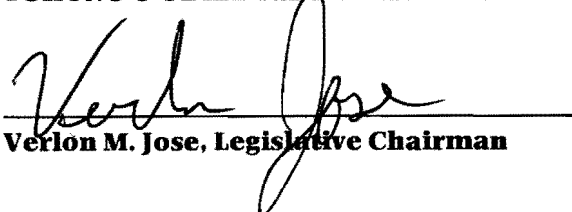
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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Verlon M. Jose, Legislative Chairman

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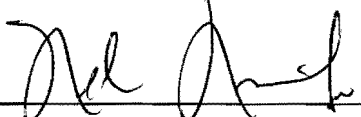
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APPROVED

on the 10 day of June, 2009

DISAPPROVED

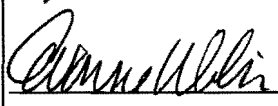
at 11:44 o'clock, A.M.



NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 10th day of

June, 2009, at 11:45 o'clock, A.M.



Evonne Wilson, Legislative Secretary

ACTION: ADOPTING COMPARATIVE EFFECTIVENESS RESEARCH RECOMMENDATIONS AND COMMENTS FOR SUBMISSION TO THE FEDERAL COORDINATING COUNCIL

MOVED: COUNCILMAN CHESTER ANTONE

SECOND: COUNCILWOMAN SANDRA ORTEGA

DATE: JUNE 09, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35				X
	2. MARY LOPEZ ()	99.35				X
SELLS 449.6	1. KIMBERLY LISTO ()	224.80	X			
	2. EVELYN B. JUAN MANUEL ()	224.80	X			
SCHUK TOAK 159.0	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
SAN XAVIER 204.7	1. FELICIA NUÑEZ ()	102.35		X	X	
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35		X		
SAN LUCY 187.1	1. LORRAINE EILER (Charlotte Cadavas)	93.55	X			
	2. GLORIA RAMIREZ ()	93.55		X		
PISINEMO 184.5	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
HICKIWAN 174.5	1. MICHELLE ORTEGA ()	87.25	X			
	2. SANDRA ORTEGA ()	87.25	X			
GU VO 206.3	1. GRACE MANUEL ()	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			
GU ACHI 230.1	1. TIMOTHY L. JOAQUIN ()	115.05	X		X	
	2. CYNTHIA E. MANUEL ()	115.05	X			
CHUKUT KUK 277.0	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ()	138.50	X			
BABOQIVARI 324.0	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X			
	2. FRANCES G. ANTONE ()	162.0	X			
TOTAL		2,595.5	2,098.55	298.25	2	198.7 [02]