

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Supporting the Holding in *Redding Rancheria v. Hargan* and Authorizing Nation's
Participation as an *Amicus in Saginaw Chippewa Indian Tribe of Michigan v. Blue*
***Cross Blue Shield of Michigan*)**

RESOLUTION NO. 21-148

- 1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Legislative Council with
2 the authority to "consult, negotiate and conclude agreements and contracts on
3 behalf of the Tohono O'odham Nation with Federal, State and local governments
4 and other Indian tribes. . ." and to "promote, protect and provide for public
5 health, peace, morals, education and general welfare of the Tohono O'odham
6 Nation and its members. . . (Constitution, Article VI, Section 1(f) and Section
7 1(c)(2)); and
- 8 **WHEREAS,** in 2017, the United States District Court, District of Columbia held that a tribe
9 could supplement member health care self-insurance with Medicare-like rate
10 ("MLR") discounts and the Catastrophic Health Emergency Fund ("CHEF") under
11 the Indian Health Care Improvement Act (*Redding Rancheria v. Hargan*, 296
12 F.Supp.3d 256); and
- 13 **WHEREAS,** recently, the Saginaw Chippewa Indian Tribe appealed the dismissal of the
14 Tribe's claim related to the administrator's failure to pay Medicare-like rates in
15 *Saginaw Chippewa Indian Tribe of Michigan v. Blue Cross Blue Shield of*
16 *Michigan*, 748 Fed.Appx. 12; and
- 17 **WHEREAS,** although the district court decision did not criticize tribal rights under the
18 *Redding* case, on appeal, Blue Cross Blue Shield of Michigan is raising arguments
19 that could question the *Redding* case and the applicability of Medicare-like rates
20 for all tribes who supplement health care with self-insurance; and
- 21 **WHEREAS,** although the Tohono O'odham Nation does not currently provide health care self-
22 insurance, it is in the Nation's best interests to support tribes' access to
23 supplemental health care funding sources and the holding in *Redding Rancheria*
24 *v. Hargan*, 296 F.Supp.3d 256; and
- 25 **WHEREAS,** the Health and Human Services and Human Resources Development Committees
26 reviewed the matter and recommend supporting the holding in *Redding*
27 *Rancheria v. Hargan* and authorizing the Nation's participation as an *amicus* in
28 *Saginaw Chippewa of Michigan v. Blue Cross Blue Shield of Michigan*, 748
29 Fed.Appx. 12.
- 30 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council supports the
31 holding in *Redding Rancheria v. Hargan* and authorizes the Nation's
32 participation as an *amicus* in *Saginaw Chippewa of Michigan v. Blue Cross Blue*
33 *Shield of Michigan*, 748 Fed.Appx. 12.

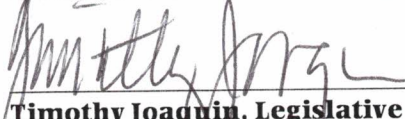
RESOLUTION NO. 21-148

(Supporting the Holding in *Redding Rancheria v. Hargan* and Authorizing Nation's Participation as an *Amicus in Saginaw Chippewa Indian Tribe of Michigan v. Blue Cross Blue Shield of Michigan*)

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06TH day of MAY, 2021 at a meeting at which a quorum was present with a vote of 2,961.9 FOR; -0- AGAINST; [01] NOT VOTING; and 213.8 [03] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(f) and Section 1(c)(2) 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
11 day of May, 2021

ATTEST:



Evonne Wilson, Legislative Secretary
10 day of May, 2021

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 11 day of May, 2021 at 2:20 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

DISAPPROVED

on the 12 day of May, 2021
at 2:28 o'clock, p.m.



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

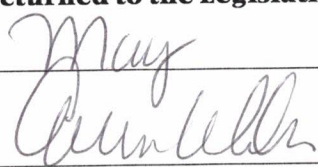
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RESOLUTION NO. 21-148

(Supporting the Holding in *Redding Rancheria v. Hargan* and Authorizing Nation's Participation as an Amicus in *Saginaw Chippewa Indian Tribe of Michigan v. Blue Cross Blue Shield of Michigan*)

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Returned to the Legislative Secretary on the 12 day of
May, 2021, at 3:00 o'clock, P.m.


Evonne Wilson, Legislative Secretary

ACTION: SUPPORTING THE HOLDING IN *REDDING RANCHERIA V. HARGAN* AND AUTHORIZING NATION'S PARTICIPATION AS AN *AMICUS IN SAGINAW CHIPPEWA INDIAN TRIBE OF MICHIGAN V. BLUE CROSS BLUE SHIELD OF MICHIGAN*

MOVED: COUNCILWOMAN LUCINDA ALLEN

SECOND: COUNCILMAN LEANDER MASE

DATE: MAY 06, 2021

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 384.8	1. LEANDER MASE (Francine Schooling)	192.40	X			
	2. ALBERTA J. RAY (Frances G. Antone)	192.40	X			
CHUKUT KUK 347.5	1. VIVIAN JUAN-SAUNDERS (Juanita Homer)	173.75	X			
	2. MARLAKAY HENRY (Billman Lopez)	173.75	X			
GUACHI 279.3	1. VICTORIA HOBBS ()	139.65	X			
	2. TIMOTHY L. JOAQUIN ()	139.65	X			
GUVO 264.5	1. DALLAS LEWIS (Nacho Flores)	132.25	X			
	2. GRACE MANUEL ()	132.25	X			
HICKIWAN 213.8	1. SANDRA D. ORTEGA ()	106.90				X
	2. LOUIS R. LOPEZ (Delma M. Garcia)	106.90				X
PISINEMO 230.7	1. MONICA K. MORGAN ()	115.35	X			
	2. MARIETTA MARTIN ()	115.35	X			
SAN LUCY 235.6	1. GLORIA RAMIREZ ()	117.80	X			
	2. JANA MONTANA (Lorraine M. Eiler)	117.80	X			
SAN XAVIER 238.9	1. JANICE FELIX (Adam Andrews)	119.45	X			
	2. DANIEL L.A. PRESTON III (<i>Absent</i>) (Racheal Vilson-Stoner) (<i>Present</i>)	119.45	X			X
SCHUK TOAK 189.0	1. QUINTIN C. LOPEZ (Agnes V. Joaquin)	94.50	X			
	2. TERESA F. DONAHUE (Alberta Espinoza)	94.50	X			
SELLS 547.1	1. EVELYN JUAN MANUEL ()	273.55	X			
	2. ARTHUR WILSON ()	273.55	X			
SIF OIDAK 244.5	1. LUCINDA ALLEN (Yolonda Garcia)	122.25	X			
	2. MARY LOPEZ (Ann M. Garcia)	122.25	X		X	
TOTAL		3,175.7	2,961.9	-0-	[01]	213.8 [03]