

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Establishing the Tohono O'Odham Nation's Position Regarding
the Participation of Indian Tribes in the Development to
Implement P.L. 100-472, the 1988 Amendments to the
Indian Self-Determination Act)

RES. NO. 91-118

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3 WHEREAS, the Indian Self-Determination Act was amended pursuant to
4 P.L. 100-472, on September 30, 1988; and

5 WHEREAS, one provision of those amendments to the Indian Self-
6 Determination Act, Section 107(b) provides that the
7 Secretary of Interior and the Secretary of Health and
8 Human Services are to promulgate regulations, with the
9 participation of Indian tribes to implement the
10 amendments; and

11 WHEREAS, the legislative history, specifically Senate Report No.
12 100-274 provides that Indian tribes and organizations are
13 to "actively participate" in the preparation of new
14 regulations (See Page 38 of the Report excerpt attached);
15 and

16 WHEREAS, the process for development of the new regulations have
17 proceeded for two plus years, with activities coordinated
18 by the Bureau of Indian Affairs and Indian Health
19 Services, for each department, and Indian Tribes; and

20 WHEREAS, Representatives of the Tohono O'Odham Nation have been
21 informed that the regulations required under the Act as
22 noted above are now undergoing review and amendment by the
23 Department of Interior and the Department of Health and
24 Human Services, and without tribal input and participation
25 in these developments; and
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3 WHEREAS, the Tohono O'Odham Nation and other Indian tribes have
4 requested the opportunity to meet with and participate in
5 the ongoing Departmental development of these regulations,
6 but to date such requests have been denied by Departmental
7 Personnel.

8 NOW, THEREFORE, BE IT RESOLVED that the Legislative Council of the
9 Tohono O'Odham Nation declares that the active
10 participation of Indian tribes in the development of new
11 regulations to implement the Amendment to the Indian Self-
12 Determination Act (P.L. 100-472) is a right provided for
13 in the statute and in no way limited to any certain level
14 of the respective Departments charged with the duty to
15 promulgate regulations.

16 BE IT FURTHER RESOLVED that the Legislative Council of the Tohono
17 O'Odham Nation hereby directs the Chairman of the
18 Legislative Council in coordination with the Chairman of
19 the Nation to pursue as they jointly deem necessary with
20 the respective Secretary's the continued active
21 participation in the regulation development processes now
22 ongoing in each Department, and to take such other steps
23 as they deem necessary and appropriate to ensure the
24 development of meaningful and appropriate regulations to
25 implement the Indian Self-Determination Act as amended,
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said named officials shall periodically report to the Legislative Council on the development of the regulation and provide copies of written correspondence to the Legislative Council.

The foregoing Resolution was passed by the Tohono O'odham Council on the 5th day of April, 1991 at a meeting at which a quorum was present with a vote of 1,459.0 for; -0- against; -0- not voting; 265.0 [8] absent, pursuant to the powers vested in the Council by Section 1(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

Virgil Luis
for Edward D. Manuel, Legislative Chairman
5th day of April, 1991.

ATTEST:

Teresa M. Choyguha
Teresa M. Choyguha, Legislative Secretary
3th day of April, 1991.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 5th day of April, 1991, at 12:17 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

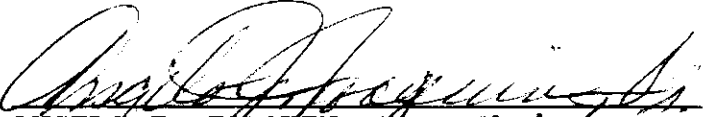
Virgil Luis
for Edward D. Manuel, Legislative Chairman

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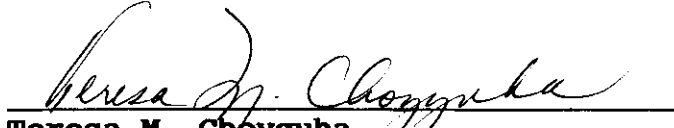
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[] APPROVED) on the 10 day of April, 1991.
[] DISAPPROVED) at 8:41 o'clock, A..M.



ANGELO J. JOAQUIN, SR., Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 10th day of
April, 1991, at 11:26 o'clock, A..M.



Teresa M. Choyguha
Legislative Secretary

MOVED: COUNCILMAN EUGENE ENISSUBJECT: ESTABLISHING T.O.N. POSITION, RE: THE PARTI-SECOND: COUNCILMAN EARL FRANCISCOCIPATION OF IND. TRIBES IN DEVELOPMENT TO IMPLEMENT P.LDATE: APRIL 5, 1991100-472, 1988 AMENDMENTS TO IND. SELF-DETERMINATION ACT

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 229.0	1. Earl A. Francisco (Kenneth Chico)	114.5	X			
	2. Joann Garcia (Frances Niquel)	114.5	X			X
CHUKUT KUK 163.0	1. Rosita Ruiz (Rosemary Lopez)	81.5	X			
	2. Kenneth Williams (Harriet Toro)	81.5	X			
GU ACHI 166.0	1. Percy Lopez ()	83.0	X			X
	2. Alex Ramon (Fernando Joaquin)	83.0	X			
GU VO 114.0	1. Cross Antone (Juan Joe Cipriano)	57.0	X			
	** 2. Virgil Lewis (Michael Flores)	57.0	X			
HICKIWAN 125.0	1. Lloyd Francisco (Billy C. Manuel)	62.5	X			
	2. Lenora Montana ()	62.5	X			
PISINEMO 119.0	1. Johnson Jose ()	59.5	X			X
	2. Edward Manuel (Alex Antone)	59.5	X			
SAN LUCY 106.0	1. Albert Manuel, Jr. (Max P. Jose)	53.0	X			
	2. John Reno ()	53.0	X			X
SAN XAVIER 127.0	1. Eugene Enis, Sr. (Michael Rios)	63.5	X			
	2. Joanne C. Preston (Carmelita Mattias)	63.5	X			
SCHUK TOAK 107.0	1. JoAnn Francisco (David Valenzuela, Sr)	53.5				X
	2. Joseph Juan (Frances Francisco)	53.5				X
SELLS 310.0	1. Joseph T. Joaquin (Larry Garcia)	155.0	X			
	2. Andrew Patricio (Daniel Lopez)	155.0	X			
SIF ODAK 158.0	1. Mary Ann Antone (Nina Jose)	79.0				X
	2. Willard Juan, Sr. (Melissa Gregorio)	79.0				X
TOTAL		1,724.0	1,459.0	-0-	-0-	265.0 [8]

**PASSED VOTES