

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Supporting Tribal COVID-19 Recovery Legislative and Funding Proposals)**

**RESOLUTION NO. 20-151**

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with**  
2 **the authority to “promote, protect and provide for public health, peace, morals,**  
3 **education and general welfare of the Tohono O'odham Nation and its members”**  
4 **and to “consult with the Congress of the United States and appropriate federal**  
5 **agencies regarding federal activities that affect the Tohono O'odham Nation. . .”**  
6 **(Constitution, Article VI, Section I(c)(2) and Section I(j)); and**

7 **WHEREAS, the recent outbreak of the novel coronavirus identified as COVID-19 in the United**  
8 **States, causes serious concerns for the health and safety of the Tohono O'odham**  
9 **Nation (the “Nation”) and its members; and**

10 **WHEREAS, the Governor of the State of Arizona declared a Public Health Emergency on**  
11 **March 11, 2020, in order to release federal resources to prepare, mitigate, and**  
12 **respond to the needs of tribal and local jurisdictions; and**

13 **WHEREAS, on March 13, 2020, in response to the rapid spread of COVID-19 and confirmed**  
14 **presence in the State of Arizona, the Nation’s Chairman declared a State of**  
15 **Emergency for the Tohono O'odham Nation, and established the Nation’s Unified**  
16 **Command in order to coordinate necessary policies, and direct resources to the**  
17 **Nation in a timely manner; and**

18 **WHEREAS, in response to the health, safety, and economic concerns posed by COVID-19, the**  
19 **U.S. Congress enacted four pieces of federal legislation to provide funding to**  
20 **hospitals and clinics, state and tribal governments, public health efforts, and**  
21 **economic stabilization measures for individuals and businesses; and**

22 **WHEREAS, with Congress considering another major piece of legislation, American Indian**  
23 **and Alaska Native (AI/AN) tribal organizations recommend identifying critical**  
24 **funding and policy needs for inclusion in the next COVID-19 related legislation to**  
25 **help protect AI/AN communities and to mitigate the spread of COVID-19; and**

26 **WHEREAS, these recommendations are necessary for the Indian health system to be fully**  
27 **functional to address the pandemic and other related critical health care**  
28 **priorities; and**

29 **WHEREAS, the critical funding needs and recommendations are as follows:**

- 30 • **Provide \$1 billion for purchased/referred care**
- 31 • **Provide \$1.215 billion for hospitals and health clinics**
- 32 • **Establish a \$1.7 billion emergency third-party reimbursement relief fund**  
33 **for Indian Health Service (“IHS”), tribes, tribal organizations, and urban**  
34 **Indian organizations**

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**(Supporting Tribal COVID-19 Recovery Legislative and Funding Proposals)**

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- 1 • **Provide \$2.5 billion for health care facilities construction to include**
- 2 **support for new and current planned projects, the Small Ambulatory**
- 3 **Health Center Program, and the Joint Venture Construction Program**
- 4 • **Provide \$1 billion for Sanitation Facilities Construction**
- 5 • **Provide \$750 million for maintenance and improvement of Indian Health**
- 6 **Service and tribal facilities**
- 7 • **Provide \$85 million for equipment purchases and replacements,**
- 8 **(hereafter collectively referred as “Tribal Funding Recommendations”)**

9 ; and

10 **WHEREAS, the technical Medicare/Medicaid recommendations are as follows:**

- 11 • **Authorize Medicaid reimbursements for qualified Indian provider**
- 12 **services and urban Indian organizations**
- 13 • **Provide reimbursements for services furnished by Indian health care**
- 14 **providers outside of an IHS or tribal facility**
- 15 • **Ensure parity in Medicare reimbursement for Indian health care**
- 16 **providers**
- 17 • **Include pharmacists, licensed marriage and family therapists, licensed**
- 18 **professional counselors, and other providers as eligible provider types**
- 19 **under Medicare for reimbursement to IHS, tribal, and urban Indian**
- 20 **health programs, (hereafter collectively referred to as**
- 21 **“Medicare/Medicaid Recommendations”)**

22 ; and

23 **WHEREAS, the technical amendment recommendations are as follows:**

- 24 • **Expand telehealth capacity and access in Indian Country by permanently**
- 25 **extending waivers under Medicare for the use of telehealth and enacting**
- 26 **certain sections of the CONNECT to Health Act**
- 27 • **Make the IHS scholarship and Loan Repayment Program tax exempt**
- 28 • **Implement ways to facilitate interagency transfers of funding that tribal**
- 29 **nations can access to address COVID-19 and its impacts so that funding**
- 30 **can be disbursed to tribal nations quickly**
- 31 • **Implement ways to disburse funding to tribal nations using existing**
- 32 **funding mechanisms already in place when possible**
- 33 • **Provide tribal and UIO access to the Strategic National Stockpile**
- 34 • **Provide tribal and UIO access to the Public Health Emergency**
- 35 **Preparedness Fund, (hereafter collectively referred to as “Technical**
- 36 **Amendment Recommendations”)**

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; and

**WHEREAS, the legislative fixes and reauthorization recommendations are as follows:**

- **Move Contract Support Costs to mandatory appropriations**
- **Move 105(l) lease agreements to mandatory appropriations**
- **Permanently reauthorize the Special Diabetes Program for Indians with automatic annual adjustments tied to medical inflation, and permit tribes and tribal organizations to receive funds through self-determination or self-governance contracts and compacts, (hereafter collectively referred to as "Legislative Fixes and Reauthorization Recommendations")**

; and

**WHEREAS, the Health and Human Services and Appropriations Committees recommend supporting the Tribal COVID-19 Recovery Legislative and Funding Proposals.**

**NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it supports the Tribal COVID-19 Recovery Legislative and Funding Proposals, which include the Tribal Funding Recommendations, Medicare/Medicaid Recommendations, Technical Amendment Recommendations, and Legislative Fixes and Reauthorization Recommendations.**

**BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that it authorizes the Nation's chairperson or official designee to advocate the Nation's positions expressed in this resolution to appropriate state and federal officials, agencies and departments, and members of the U.S. Congress.**

**The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13<sup>TH</sup> day of MAY, 2020 at a meeting at which a quorum was present with a vote of 3,175.7 FOR; -0- AGAINST; -0- NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c)(2) and Section 1(j) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; 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

14 day of May, 2020

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**(Supporting Tribal COVID-19 Recovery Legislative and Funding Proposals)**  
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1 **ATTEST:**


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4 **Evonne Wilson, Legislative Secretary**

5 14 day of May, 2020

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8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono  
9 O'odham Nation on the 14 day of May, 2020 at 2:07 o'clock, p .m.,  
10 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become  
11 effective upon his approval or upon his failure to either approve or disapprove it within 48  
12 hours of submittal.

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14 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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17 **Timothy Joaquin, Legislative Chairman**

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22  **APPROVED**

on the 18 day of May, 2020

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24  **DISAPPROVED**

at 10:10 o'clock, a.m.

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29 **NED NORRIS, JR., CHAIRMAN**  
30 **TOHONO O'ODHAM NATION**

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36 **Returned to the Legislative Secretary on the 18 day of**

37 May, 2020, at 12:30 o'clock, p .m.

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41 **Evonne Wilson, Legislative Secretary**

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ACTION: SUPPORTING TRIBAL COVID-19 RECOVERY LEGISLATIVE AND FUNDING PROPOSALS

MOVED: COUNCILWOMAN GRACE MANUEL

SECOND: COUNCILMAN LEANDER MASE

DATE: MAY 13, 2020

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			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 (Louis L. Johnson)	139.65	X			
GU VO 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			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			X
SAN XAVIER 238.9	1. JANICE FELIX (Adam Andrews)	119.45	X			X
	2. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	119.45	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	3,175.7	-0-	-0-	[05]