

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Authorizing the Nation to Join the Native American Finance Officers Association's Amicus Brief in *Becerra v. San Carlos Apache Tribe* and *Becerra v. Northern Arapaho Tribe*)**

**RESOLUTION NO. 24-040**

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 health,  
5 peace, morals, education and general welfare of the Tohono O'odham Nation and  
6 its members. . . (Constitution, Article VI, Section 1(f) and Section 1(c)(2)); and

7 **WHEREAS,** the Native American Finance Officers Association ("NAFOA") drafted an amicus  
8 brief in the two consolidated cases of *Becerra v. San Carlos Apache Tribe* and  
9 *Becerra v. Northern Arapaho Tribe* before the United States Supreme Court (53  
10 F.4th 1236, 61 F.4th 810); and

11 **WHEREAS,** *Becerra v. San Carlos Apache Tribe* and *Becerra v. Northern Arapaho Tribe*  
12 consider whether the Indian Health Service ("IHS") must reimburse tribes for  
13 contract support costs for activities that are funded by third-party reimbursement  
14 revenues tribes collect from sources such as Medicare, Medicaid, and other  
15 insurance sources if the tribe operates health care services under an Indian-Self  
16 Determination and Education Assistance Act ("Act") agreement; and

17 **WHEREAS,** NAFOA's brief argues that Congress intended for the Act to allow tribal contractors  
18 to be able to fund the same amount of medical services as would be provided by  
19 programs operated by the federal government directly—including the medical  
20 services funded by program income; and

21 **WHEREAS,** in the best interests of the Nation, the Health and Human Services Committee  
22 reviewed the matter and recommends authorizing the Nation to join NAFOA's  
23 *amicus* brief in *Becerra v. San Carlos Apache Tribe* and *Becerra v. Northern*  
24 *Arapaho Tribe* to ensure that tribes are afforded the same amount of funding as  
25 programs operated by the federal government directly.

26 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council  
27 authorizes the Nation to join NAFOA's *amicus* brief in *Becerra v. San Carlos*  
28 *Apache Tribe* and *Becerra v. Northern Arapaho Tribe*.

29 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12<sup>TH</sup>  
30 day of **FEBRUARY 2024** at a meeting at which a quorum was present with a vote of **2,705.3**  
31 **FOR; -0- AGAINST; 558.0 [02] NOT VOTING; and [02] ABSENT**, pursuant to the powers vested  
32 in the Council by Article VI, Section 1(f), Section 1(c)(2), and Section 2(a) of the Constitution of  
33 the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and  
34 approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6,  
35 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

  
Wavalene M. Saunders, Legislative Chairwoman

12 day of February, 2024


**ATTEST:**

  
Evonne Wilson, Legislative Secretary

12 day of February, 2024

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 12 day of February, 2024 at 2:50 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**


  
Wavalene M. Saunders, Legislative Chairwoman

**APPROVED**

on the 12<sup>th</sup> day of February, 2024

**DISAPPROVED**

at 3:25 o'clock, P.m.

  
VERLON M. JOSE, CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 12 day of

February, 2024, at 3:58 o'clock, P.m.

  
Evonne Wilson, Legislative Secretary

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**ACTION: AUTHORIZING THE NATION TO JOIN THE NATIVE AMERICAN FINANCE OFFICERS ASSOCIATION'S AMICUS BRIEF IN *BECERRA V. SAN CARLOS APACHE TRIBE* AND *BECERRA V. NORTHERN ARAPAHO TRIBE***

**MOVED: COUNCILMAN DANIEL L.A. PRESTON III                      SECOND: VICE CHAIRWOMAN MARLAKAY HENRY**

**DATE: FEBRUARY 12, 2024**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 394.2	1. LEANDER MASE (Francine Schooling)	197.1	X			
	2. JESSE NAVARRO (Alberta J. Ray)	197.1	X			
CHUKUT KUK 354.7	1. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	177.35	X			
	2. MARLAKAY HENRY ( )	177.35	X			
GU ACHI 282.7	1. VICTORIA HOBBS (Tonya L. Joaquin)	141.35	X			
	2. TIMOTHY L. JOAQUIN (Jerome L. Joaquin)	141.35	X			
GU VO 276.0	1. DALLAS LEWIS ( )	138.0	X			
	2. LESLIE LUNA (Grace Manuel)	138.0	X			
HICKIWAN 220.5	1. DELMA M. GARCIA ( )	110.25	X			X
	2. LOUIS R. LOPEZ (Loretta A. Ortega)	110.25	X			
PISINEMO 236.2	1. EDWARD D. MANUEL ( <i>Absent</i> ) (Monica Morgan) ( <i>Present</i> )	118.1	X			
	2. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	118.1	X			
SAN LUCY 257.6	1. ROGER MANUEL (Christina Andrews)	128.8	X			
	2. GLORIA M. RAMIREZ (Lorraine M. Eiler)	128.8	X			X
SAN XAVIER 244.5	1. JANICE FELIX ( )	122.25	X			
	2. DANIEL L.A. PRESTON III ( )	122.25	X			
SCHUK TOAK 191.8	1. DELISA M. RAMON (Sharon A. Francisco)	95.9	X			
	2. THEORIA CAMPILLO (Rebecca Ann Valentine)	95.9	X			
SELLS 558.0	1. EVELYN JUAN-MANUEL (Arvada Liston)	279.0			X	
	2. JANET B. ELEANDO ( )	279.0			X	
SIF OIDAK 247.1	1. LUCINDA ALLEN (Francis Homewytewa)	123.55	X			
	2. WAVALENE M. SAUNDERS (Mary Lopez)	123.55	X			
<b>TOTAL</b>		<b>3,263.30</b>	<b>2,705.3</b>	<b>-0-</b>	<b>558.0</b>	<b>[02]</b>