

**DECEMBER 23, 2020 SPECIAL SESSION
CROW TRIBAL LEGISLATURE**

LEGISLATIVE RESOLUTION NO. LR 20-18

**INTRODUCED THE LEGISLATIVE BRANCH HEALTH AND HUMAN SERVICES
COMMITTEE**

LEGISLATIVE RESOLUTION OF THE CROW TRIBAL LEGISLATURE

A LEGISLATIVE RESOLUTION TITLED:

**“A RESOLUTION GRANTING THE CHAIRMAN THE ABILITY TO NEGOTIATE
RETROCESSION OF CERTAIN IHS SERVICES NO LATER THAN JANUARY 29,
2021”**

WHEREAS, the Chairman of the Executive Branch has authority and responsibility pursuant to the “enumerated powers” in Article IV, Section 3 of the Constitution and Bylaws of the Crow Tribe of Indians to represent the Crow Tribe in negotiations with Federal, State and local governments and other agencies, corporations, associations, or individuals in matters of welfare affecting the Crow Tribe; and to “negotiate and approve or prevent any sale, disposition, lease or encumbrance of Tribal lands, interests in lands or other Tribal assets, including buffalo, minerals, gas and oil with final approval granted by the Legislative Branch;” and

WHEREAS, pursuant to Article V, Section 2(a) of the 2001 Crow Tribal Constitution, the Crow Tribal Legislature (hereinafter, the “Legislature”) is vested with the power and duty to promulgate and adopt laws, resolutions, ordinances, codes, regulations, and guidelines in accordance with the 2001 Crow Constitution and federal laws, and in Section 2(d) of the Constitution “to grant final approval or disapproval of items negotiated by the Executive Branch of Government pertinent to the sale, disposition, lease or encumbrance of Tribal lands, interests in lands or mineral assets;” and

WHEREAS, the Crow Tribe has two Title I Indian Self Determination and Education Assistance Act (ISDEAA) Contracts with the Indian Health Service for the Tribe to deliver certain health care services, known as Programs, Functions, Services, and Activities (PFSAs) to the Crow Tribal membership and Annual Funding Agreements were negotiated each year to fund the health care services between the Crow Tribe and the Indian Health Service; and

WHEREAS, the ISDEAA Contracts require the Tribe to sustain effective financial management systems and submissions of annual audits to the Federal Audit Clearinghouse to maintain the contracts and to execute Annual Funding Agreements to receive contract funds; and

WHEREAS, the FY 2016 Crow Tribal audit submitted to the Federal Clearinghouse included findings regarding the Tribe's financial management, maintenance of financial records and submission of required reports; and

WHEREAS, based on FY 2016 audit, the Crow Tribe was placed on 'high risk' status and the ISDEAA Contract funds were provided to the Tribe on a reimbursement basis only; and

WHEREAS, the Indian Health Service did a review of the two ISDEAA Contracts, the Master Health Contract and the Health Education Contract, in March 2020 and developed a fourteen (14) page corrective action plan that focused on submission of required audits and development of financial policies; and

WHEREAS, at the end of Fiscal Year 2020, the Indian Health Service did not execute an Annual Funding Agreement with the Crow Tribe due to the failure of the Tribe to submit the required audits and to complete the tasks on the Corrective Action Plan and, instead, granted an extension of the FY2020 Annual Funding Agreement to expire on January 29, 2021;

WHEREAS, the current Annual Funding Agreements are set to expire on January 29, 2021

WHEREAS, the Crow Tribe is presently rebuilding financial systems and developing financial policies for the sound management of federal contract funds and this process, and submission of all required pending audits will not occur by January 29, 2021; and

WHEREAS, the federal regulations allow the Crow Tribe to submit a proposal for re-assumption of health care services upon the Tribe's establishment of sound financial management policies and systems without restriction and such new proposal and contract would result in pre-award and start-up costs for the health care services; and

WHEREAS, the Crow Tribal Executive Branch has discussed voluntary retrocession of some PFSAs in the ISDEAA contracts but maintain those PFSAs that support third-party billing opportunities including the Awe Kualawaache Care Center and the Tribal Health Improvement Program in a negotiated agreement, and

NOW, THEREFORE, BE IT ENACTED BY THE CROW TRIBAL LEGISLATURE:

That the Crow Tribe agreed to voluntarily retrocede various PFSAs in the Title 1 Indian Self-Determination Education and Assistance Act contracts with the Indian Health Service and maintain those PFSAs that support third-party billing to Medicaid in a new agreement with the Indian Health Service effective no later than January 29, 2021.

This Resolution shall take effect immediately upon becoming duly adopted by the Legislature.

CERTIFICATION

I hereby certify that this Legislative Resolution titled “**A RESOLUTION GRANTING THE CHAIRMAN THE ABILITY TO NEGOTIATE RETROCESSION OF CERTAIN IHS SERVICES NO LATER THAN JANUARY 29, 2021**” was duly approved by the Crow Tribal Legislature with a vote of 14 in favor, 0 opposed, and 0 abstained, and that a quorum was present on this 23rd day of **December 2020**.



Sen. Tom Yellow Tail
Speaker of the House
Crow Tribal Legislature

ATTEST:



Sen. Brandon Good Luck
Secretary
Crow Tribal Legislature



**A LEGISLATIVE RESOLUTION GRANTING THE CHAIRMAN THE ABILITY TO NEGOTIATE
RETROCESSION OF CERTAIN HIS SERVICES NO LATER THAN JANUARY 29, 2021"**

Bill or Resolution: <u>LR20-18</u>	Health & Human Services			Date of Vote <u>12/23/2020</u>
	Introduced by:	Committee		
REPRESENTATIVE:	Yes	No	Abstain	
M. White Clay	<u>X</u>	<u> </u>	<u> </u>	
D. Spotted	<u>X</u>	<u> </u>	<u> </u>	
(Vacant)	<u> </u>	<u> </u>	<u> </u>	
Y. Little Light	<u>X</u>	<u> </u>	<u> </u>	
L. Hogan	<u>X</u>	<u> </u>	<u> </u>	
B. Brown	<u>X</u>	<u> </u>	<u> </u>	
H. Small	<u>X</u>	<u> </u>	<u> </u>	
T. Gros Ventre	<u>X</u>	<u> </u>	<u> </u>	
M. Not Afraid	<u>X</u>	<u> </u>	<u> </u>	
G. Bouyer	<u>X</u>	<u> </u>	<u> </u>	
T. Plainfeather	<u> </u>	<u> </u>	<u> </u>	
(Vacant)	<u> </u>	<u> </u>	<u> </u>	
S. DeCrane	<u> </u>	<u> </u>	<u> </u>	
B. Hugs	<u>X</u>	<u> </u>	<u> </u>	
N. Old Crow	<u>X</u>	<u> </u>	<u> </u>	
H. Male Bear-Stone, Jr	<u>X</u>	<u> </u>	<u> </u>	
T. Yellowtail	<u>X</u>	<u> </u>	<u> </u>	
<i>Speaker of the House</i>				
B. Good Luck	<u>X</u>	<u> </u>	<u> </u>	
<i>Secretary of the House</i>				
TOTAL	<u>14</u>	<u>0</u>	<u>0</u>	

Result of Vote:

Passed

Not Passed

Tabled

Veto-Override

Thomas Yellowtail
 Senator Thomas Yellowtail
 Speaker of the House
 Crow Tribal Legislative Branch

Date

Brandon Good Luck
 Senator Brandon Good Luck
 Secretary of the House
 Crow Tribal Legislative Branch

Date

12/23/20