

LEGISLATIVE SUMMARY SHEET

Tracking No. 0168-21

DATE: August 10, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES; APPROVING AND AUTHORIZING THE NAVAJO DEPARTMENT OF HEALTH, DIVISION OF PUBLIC SAFETY AND DIVISION OF SOCIAL SERVICES TO PURSUE ENTRY INTO THE INDIAN HEALTH SERVICE SELF-GOVERNANCE PROGRAM PER TITLE V OF THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT, 25 U.S.C. §§ 5301-5423 (P.L. 93-638, AS AMENDED) BY CONDUCTING THE REQUIRED PLANNING PROCESS AND APPLYING FOR FUNDING RESOURCES AVAILABLE FROM THE INDIAN HEALTH SERVICE

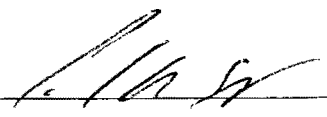
PURPOSE: This resolution, if adopted, would approve and authorize the Navajo Department of Health, Division of Public Safety and Division of Social Services to pursue entry into the Indian Health Service Self-Governance Program per Title V of the Indian Self-Determination and Education Assistance Act, 25 U.S.C. §§ 5301-5423 (P.L. 93-638, as amended) by conducting the required Planning Process and applying for Funding Resources available from the Indian Health Service.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: VSPEDNORU
Website Posting Time/Date: August 17, 2021 4:10pm
Posting End Date: August 22, 2021
Eligible for Action: August 23, 2021

Law & Order Committee
Thence
Health Education & Human Services Committee
Thence
Budget & Finance Committee
Thence
Naabik'iyáti' Committee

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL – THIRD YEAR, 2021
3 INTRODUCED BY

4
5
6 

7 (Sponsor)

8
9 TRACKING NO. 0168-21

10
11 AN ACTION

12 RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN
13 SERVICES, BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES;
14 APPROVING AND AUTHORIZING THE NAVAJO DEPARTMENT OF HEALTH,
15 DIVISION OF PUBLIC SAFETY AND DIVISION OF SOCIAL SERVICES TO
16 PURSUE ENTRY INTO THE INDIAN HEALTH SERVICE SELF-GOVERNANCE
17 PROGRAM PER TITLE V OF THE INDIAN SELF-DETERMINATION AND
18 EDUCATION ASSISTANCE ACT, 25 U.S.C. §§ 5301-5423 (P.L. 93-638, AS
19 AMENDED) BY CONDUCTING THE REQUIRED PLANNING PROCESS AND
20 APPLYING FOR FUNDING RESOURCES AVAILABLE FROM THE INDIAN
21 HEALTH SERVICE

22
23 BE IT ENACTED:

24
25 **SECTION ONE. AUTHORITY**

26 A. Pursuant to 2 N.N.C. §600, the Law and Order Committee is established as a
27 standing committee of the Navajo Nation Council; and pursuant to 2 N.N.C.
28 §601(C)(1), the Law and Order Committee is the oversight committee for the
29 Navajo Department of Public Safety (NDPS).
30

- 1 B. Pursuant to 2 N.N.C. § 400, the Health, Education and Human Services Committee
2 is established as a standing committee of the Navajo Nation Council; and pursuant
3 to 2 N.N.C. § 401 (C)(1), the Health, Education and Human Services Committee is
4 the oversight committee for the Navajo Department of Health (NDOH) and Navajo
5 Division of Social Services (NDSS).
- 6 C. Pursuant to 2 N.N.C. § 300, the Budget and Finance Committee is established as a
7 standing committee of the Navajo Nation Council; and pursuant to 2 N.N.C. §
8 301(B)(15), the Budget and Finance Committee is authorized to approve and accept
9 contracts from federal authorities upon the recommendation of the standing
10 committee that has oversight of the program requesting the contract.
- 11 D. The Naabik'iyáti' Committee is authorized to approve contracts between the
12 Navajo Nation and the United States Department of Health and Human Services
13 for the implementation of the Indian Self-Determination and Education Assistance
14 Act, 25 U.S.C. §§ 5301-5423 (P. L. 93-638 as amended). 2 N.N.C. §701(A)(12).
- 15

16 **SECTION TWO. FINDINGS**

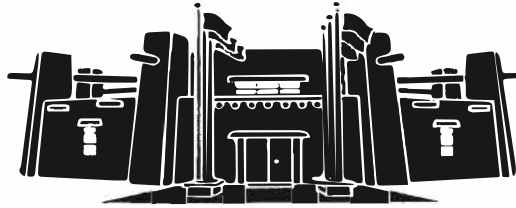
- 17 A. The Indian Self-Determination and Education Assistance Act (Pub. L. No. 93-638, 25
18 U.S.C. §§ 5301-5423, "ISDEAA") authorizes the Nation to assume federal programs,
19 functions, services or activities ("PFSAs") through a Title V self-governance compact
20 entered into with the Secretary of the U.S. Department of Health and Human Services.
- 21 B. NDOH, NDSS and NDPS currently operate healthcare services for the Navajo Nation
22 under separate Title I contracts with the Indian Health Service.
- 23 C. It is in the best interest of the Navajo Nation to pursue entry into the IHS self-
24 governance program to provide healthcare services.
- 25 D. In order to enter the self-governance program, the Nation must demonstrate financial
26 stability and financial management capacity, complete a planning process to the
27 satisfaction of the Navajo Nation, and request entry into the program.

28 **SECTION 3. APPROVALS**

- 29 A. The Navajo Nation authorizes NDOH, NDSS and NDPS to conduct a planning process
30 to address legal and budgetary issues and internal government planning and


organizational preparation relating to the administration of health programs as required by 42 C.F.R. § 137.20.

- B. The Navajo Nation authorizes NDOH, NDSS and NDPS to pursue entry into the IHS self-governance program, and directs the Nation to work in support of this goal, including to take any actions needed to ensure the Nation meets the financial management and stability requirements.
- C. The Navajo Nation authorizes NDOH, NDSS and NDPS to apply for any funding resources available from the Indian Health Service, including but not limited to the Office of Tribal Self-Governance planning and negotiation cooperative agreements, to support the Nation's entry into the self-governance program.
- D. The Navajo Nation authorizes NDOH, NDSS and NDPS to submit a formal request to enter the IHS self-governance program and to negotiate a Compact under Title V of the ISDEAA once the planning process mentioned above is completed.



MEMORANDUM

To : Hon. Carl R. Slater, Chairperson
Health, Education and Human Services Committee
Navajo Nation Council

From : 
Ron Haven, Attorney
Office of Legislative Counsel

Date : August 10, 2021

Re : AN ACTION RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES; APPROVING AND AUTHORIZING THE NAVAJO DEPARTMENT OF HEALTH, DIVISION OF PUBLIC SAFETY AND DIVISION OF SOCIAL SERVICES TO PURSUE ENTRY INTO THE INDIAN HEALTH SERVICE SELF-GOVERNANCE PROGRAM PER TITLE V OF THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT, 25 U.S.C. §§ 5301-5423 (P.L. 93-638, AS AMENDED) BY CONDUCTING THE REQUIRED PLANNING PROCESS AND APPLYING FOR FUNDING RESOURCES AVAILABLE FROM THE INDIAN HEALTH SERVICE

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. As to format, the resolution as drafted is legally sufficient. Regarding substance, as with any legislation, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want.

If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.

OLC #21-220-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0168-21_

SPONSOR: Carl R. Slater

TITLE: An Action Relating to Law and Order, Health, Education and Human Services, Budget and Finance and Naabik'íyáti' Committees; Approving and Authorizing the Navajo Department of Health, Division of Public Safety and Division of Social Services to Pursue Entry into the Indian Health Service Self-Governance Program per Title V of the Indian Self-Determination and Education Assistance Act, 25 U.S.C. §§ 5301-5423 (P.L. 93-638, as Amended) by Conducting the Required Planning Process and Applying for Funding Resources Available from the Indian Health Service

Date posted: August 17, 2021 at 4:10PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

**Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586**

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*