

## 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

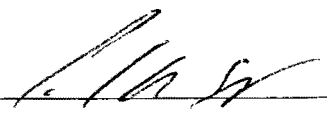
**PURPOSE:** This resolution, if adopted, would approve and authorize the Navajo Department of Health, Division of Public Safety and Division of Social Services to pursue entry into the Indian Health Service Self-Governance Program per Title V of the Indian Self-Determination and Education Assistance 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: VSPLDNRWU  
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 24<sup>th</sup> 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**

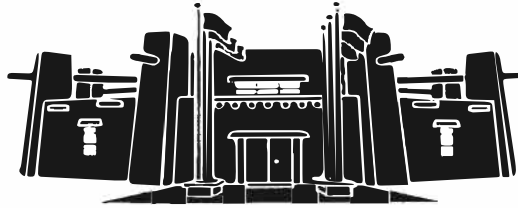
- 17 A. The Indian Self-Determination and Education Assistance Act (Pub. L. No. 93-638, 25  
18 U.S.C. §§ 5301-5423, "ISDEAA") authorizes the Nation to assume federal programs,  
19 functions, services or activities ("PFSAs") through a Title V self-governance compact  
20 entered into with the Secretary 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](mailto: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.*

**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY**

**LEGISLATION NO.: 0168-21**

**SPONSOR: Honorable Carl R. Slater**

**TITLE: An Action Relating to Law and Order, Health, Education and Human Services, Budget and Finance and Naabik'iyáti' 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**

**Posted: August 17, 2021 at 4:10 PM**

**5 DAY Comment Period Ended: August 22, 2021**

**Digital Comments received:**

<b>Comments Supporting</b>	<i>None</i>
<b>Comments Opposing</b>	<i>None</i>
<b>Comments/Recommendations</b>	<i>None</i>

*VSRedhorse*

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**Legislative Tracking Secretary  
Office of Legislative Services**

August 23, 2021 8:30 AM

**Date/Time**

**LAW AND ORDER COMMITTEE  
24<sup>TH</sup> NAVAJO NATION COUNCIL**

**THIRD YEAR 2021**

**COMMITTEE REPORT**

Mr. Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned:

**Legislation No. 0168-21:** An Action Relating to Law and Order, Health, Education and Human Services, Budget and Finance and Naabik'iyati' 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 – *Sponsor: Honorable Carl R. Slater*

Has had it under consideration and reports the same with the recommendation that it DO PASS with no amendment

And thereafter referred to Health, Education and Human Services Committee

Respectfully submitted,



Eugenia Charles-Newton, Chairwoman  
Law and Order Committee  
24<sup>th</sup> Navajo Nation Council

Date: August 30, 2021

Main Motion:

Motion : Honorable Otto Tso  
Second : Honorable Vince James  
Vote : 3-0-2



**LAW AND ORDER COMMITTEE**

**Special Meeting**

**August 30, 2021**

**Legislation No. 0168-21:** An Action Relating to Law and Order, Health, Education and Human Services, Budget and Finance and Naabik'iyati' 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 – *Sponsor: Honorable Carl R. Slater*

**VOTE TALLY SHEET:**

**Main Motion:**

Motion: Honorable Otto Tso

Second: Honorable Vince James

Vote: 3-0-2

Yea: Hon. Vince James, Hon. Eugene Tso, Hon. Otto Tso

Nay: None

Not Voting: Hon. Eugenia Charles-Newton

Excused:

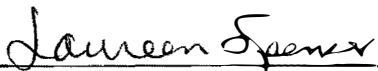
Absent: Hon. Edmund Yazzie



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Eugenia Charles-Newton, Chairwoman

Law and Order Committee

24<sup>th</sup> Navajo Nation Council



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Laureen Spencer, Legislative Advisor

Office of Legislative Services

**HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE  
24<sup>TH</sup> NAVAJO NATION COUNCIL**

**THIRD YEAR 2021**

**COMMITTEE REPORT**

Mr. Speaker,

The **HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE** to whom has been assigned:

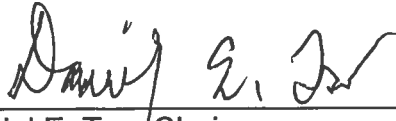
**Legislation #0168-21:** An Action Relating to Law and Order, Health, Education and Human Services, Budget and Finance and Naabik'iyáti' Committees; Approving and Authorizing the Navajo Department of Health, Division of Public Safety and Division of Social Services to Pursue Entry into the Indian Health 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

*Sponsor: Council Delegate Carl R. Slater*

Has had it under consideration and reports the same with the recommendation that it DO PASS with no amendments

And thereafter is referred to the Budget and Finance Committee.

Respectfully submitted,



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Daniel E. Tso, Chairman  
Health, Education and Human Services Committee  
24<sup>th</sup> Navajo Nation Council

Date: August 31, 2021

Main Motion:

Motion: Honorable Edison J. Wauneka  
Second: Honorable Paul Begay, Jr.  
Vote: 5-0-0

**HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE**  
**Special Meeting**  
**August 31, 2021**

**Legislation #0168-21:** An Action Relating to Law and Order, Health, Education and Human Services, Budget and Finance and Naabik'iyáti' 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

*Sponsor: Council Delegate Carl R. Slater*

**VOTE TALLY SHEET:**

Main Motion:

Motion: Honorable Edison J. Wauneka

Second: Honorable Paul Begay, Jr.

Yea: Paul Begay, Jr.; Carl R. Slater; Pernell Halona; Charlaine Tso; Edison J. Wauneka

Nay: None

Not Voting: Daniel E. Tso (Presiding Chairman)

Excused:

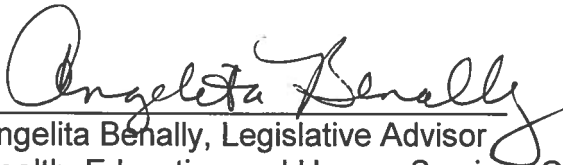
Absent:

Vote: 5-0-0



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Daniel E. Tso, Chairman  
Health, Education and Human Services Committee  
24<sup>th</sup> Navajo Nation Council



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Angelita Benally, Legislative Advisor  
Health, Education and Human Services Committee  
Office of Legislative Services