TITLE: An Action Relating To Health, Education And Human Services And NAABIK’IYATI’; Adopting Position Statement Of The Navajo Nation Division Of Health For Presentation To The United States Department Of Health

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DATE: August 20, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'ÍYÁTI': ADOPTING POSITION STATEMENTS OF THE NAVAJO NATION DIVISION OF HEALTH FOR PRESENTATION TO THE UNITED STATES DEPARTMENT OF HEALTH

PURPOSE: The purpose of this legislation is to adopt position statements of the Navajo Nation Division of Health for presentation to the United States Department of Health.

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.
PROPOSED COMMITTEE RESOLUTION OF THE NAVAJO NATION

24th NAVAJO NATION COUNCIL -- First Year, 2019

INTRODUCED BY

(Primary Sponsor)

TRACKING NO. 0261-19

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND
NAABIK'ÍYÁTI'; ADOPTING POSITION STATEMENTS OF THE NAVAJO
NATION DIVISION OF HEALTH FOR PRESENTATION TO THE UNITED STATES
DEPARTMENT OF HEALTH

WHEREAS:

1. The federal government owes a duty of trust towards Native Americans. The obligations under this trust have been defined as "moral obligations of the highest responsibility and trust." Seminole Nation v. United States, 316 U.S. 286, 297 (1942). This trust responsibility includes "legally enforceable fiduciary obligation[s] on the part of the United States to protect tribal treaty rights, lands, assets, and resources, as well as ... dut[i]es] to carry out the mandates of federal law with respect to American Indian and Alaska Native tribes and villages." See e.g., https://www.bia.gov.

2. Under the Treaty of 1868 between the Navajo Nation and the United States government, the federal government, among other responsibilities, must provide adequate health care for all members of the Navajo Nation. Concerning this, the Indian Health Services (IHS) has stated, "[a]n awareness of the legal basis for the federal obligation to provide health care to American Indians and Alaska Natives is important when designing
health care programs, developing federal budgets, coordinating with other agencies...."
See. http://www.ihs.gov. The "federal trust responsibility to uphold the treaty
responsibility for health care to Indians is accomplished," according to the IHS, "by
consulting with Indian Tribes and then actively advocating for policy, legislative, and
budgetary planning for Indian health care." Id.

4. The Navajo Nation Department of Health has prepared position statements on behalf
of the Navajo Nation. The statements therein concern:
   a). Federal funding for the Navajo Nation Community Health
   Representative/Outreach program, the Health Education Program, the Navajo Nation
   HIV Prevention Program, the Navajo Nation Crisis Response Team, and Navajo
   Nation Health Care Facility Construction.
   b). Federal funding for adequately addressing colorectal cancer within the Navajo
   Nation.
   c). Support for and the reauthorization of the Special Diabetes Program for
   Indians.
   d). Lack of Tribal Consultation in the decision to transition the Navajo WIC
   Nutrition Program from the Western Regional Office to the Southwest Regional
   Office.

NOW THEREFORE BE IT RESOLVED:
1. The Navajo Nation recommends that the federal government uphold its trust
   responsibilities for health care for the members of the Navajo Nation by providing
   sufficient and adequate funding.
2. The Navajo Nation adopts position statements prepared by the Navajo Nation
   Department of Health, attached as Exhibit "A." The department, its agents and designees
   are authorized to present the statements on behalf of the Navajo Nation.