TITLE: An Action Relating To Health, Education And Human Services; Recommending for Approval Of The Naabik’íyáti’ Committee The Designation Of The Utah Navajo Health System, Inc. As A Navajo Nation “Tribal Organization” For A Period Of Ten (10) Years, For The Purposes Of Contracting With The United States Indian Health Service And Authorizing It To Negotiate And Enter Into Title I, Indian Self-Determination Act (P.L. 93-638M As Amended), Such Designation Of “Tribal Organization” Being Revocable And Contingent On Compliance With All Terms And Conditions As Required

Date posted: June 19, 2019 at 5:00pm

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DATE:       June 13, 2019

SUBJECT:   AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; RECOMMENDING FOR APPROVAL OF THE NAABIK'ÍYATI' COMMITTEE THE DESIGNATION OF THE UTAH NAVAJO HEALTH SYSTEM, INC. AS A NAVAJO NATION "TRIBAL ORGANIZATION" FOR A PERIOD OF TEN (10) YEARS, FOR THE PURPOSES OF CONTRACTING WITH THE UNITED STATES INDIAN HEALTH SERVICE AND AUTHORIZING IT TO NEGOTIATE AND ENTER INTO TITLE I, INDIAN SELF-DETERMINATION ACT (P.L. 93-638, AS AMENDED) CONTRACTS AND TITLE V SELF GOVERNANCE COMPACTS PURSUANT TO THE INDIAN SELF-DETERMINATION ACT (P.L. 93-638, AS AMENDED), SUCH DESIGNATION OF "TRIBAL ORGANIZATION" BEING REVOCABLE AND CONTINGENT ON COMPLIANCE WITH ALL TERMS AND CONDITIONS AS REQUIRED

PURPOSE:   The purpose of this legislation for HEHSC to recommend reauthorization of Utah Navajo Health System as a tribal organization for the purposes of contracting and negotiating with the Indian Health Service for a period of ten years pursuant to the Indian Self-Determination Act (P.L. 93-638).

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 review the proposed resolution in detail.
PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL -- First Year, 2019

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0157-19

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES;
RECOMMENDING FOR APPROVAL OF THE NAABIK’IYATI’ COMMITTEE THE
DESIGNATION OF THE UTAH NAVAJO HEALTH SYSTEM, INC. AS A NAVAJO
NATION “TRIBAL ORGANIZATION” FOR A PERIOD OF TEN (10) YEARS, FOR THE
PURPOSES OF CONTRACTING WITH THE UNITED STATES INDIAN HEALTH
SERVICE AND AUTHORIZING IT TO NEGOTIATE AND ENTER INTO TITLE I,
INDIAN SELF-DETERMINATION ACT (P.L. 93-638, AS AMENDED) CONTRACTS
AND TITLE V SELF GOVERNANCE COMPACTS PURSUANT TO THE INDIAN
SELF-DETERMINATION ACT (P.L. 93-638, AS AMENDED), SUCH DESIGNATION
OF “TRIBAL ORGANIZATION” BEING REVOCABLE AND CONTINGENT ON
COMPLIANCE WITH ALL TERMS AND CONDITIONS AS REQUIRED

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Health, Education and Human Services Committee exercises oversight
   responsibility over all matters related to health on the Navajo Nation. 2 N.N.C. §400
   (C)(1)

B. The Health, Education and Human Services Committee exercises authority to review
   and recommend the authorization and designation of a for-profit or non-profit health
   or social services organization as a tribal organization for the purposes of contracting
or compacting under the Indian Self-Determination and Education Assistance Act. 2
N.N.C. § 401 (6)(e)

C. Navajo Nation Council Resolution CJY-33-10 authorized the former
Intergovernmental Relations Committee of the Navajo Nation Council to act as final
approval authority, only upon a recommendation for approval by the former Health
and Social Services Committee and each of the Navajo Nation Chapters to be served,
for all additional designations of “tribal organizations.” CJY-33-10.

D. Upon reorganization of the Navajo Nation Council and the Standing Committees, the
Naabik’iyati Committee assumed, unless otherwise specified, all the responsibilities
of the former Navajo Nation Council’s Intergovernmental Relations Committee and
the Health and Social Services Committee was renamed the Health, Education and
Human Services Committee. CAP-10-11.

E. The Naabik’iyati’ Committee of the Navajo Nation Council, conditional upon a
recommendation for approval by the Health, Education and Human Services
Committee and the approval of each of the Navajo Nation Chapters to be served, is to
act as the final authority for approving the revocable designation of “tribal
organization” for purposes of contracting under the Indian Self-Determination Act
(P.L. 93-638, as amended).

SECTION TWO. FINDINGS

A. Resolution CJY-33-10 authorized the Utah Navajo Health System Inc. (“UNHS”) as a
Navajo Nation “tribal organization” for the purpose of entering into Title V, Self-
Governance Compacts pursuant to the Indian Self-Determination Act, (P.L. 93-638,
as amended), CJY-33-10.

B. The UNHS has requested to be designated a “tribal organization” for the purposes of
contracting with the United States Indian Health Service and to negotiate and enter
into Title I, Indian Self-Determination Act (P.L. 93-638, as amended) contracts and
Title V Self Governance Compacts pursuant to the Indian Self-Determination Act
(P.L. 93-638, as amended). Exhibit A.

C. The UNHS serves the Navajo Nation Chapters of NaaTsis’Aan, Teec Nos Pos, Blue
Mountain Diné Community Chapter, Aneth, Red Mesa, and Oljato.
D. The UNHS proposal for designation of “tribal organization” has been endorsed by separate resolutions adopted by all the named respective chapters. The chapter resolutions can be found in Exhibit A, Tab 4.

E. The Health, Education and Human Services Committee of the Navajo Nation Council finds it to be in the best interest of the Navajo Nation to approve and recommend to the Naabik’iyyati’ Committee that UNHS be given the revocable designation of “tribal organization” for a period of ten (10) years, beginning October 1, 2020 and ending September 30, 2030, for the purposes of contracting with the United States Indian Health Service and to negotiate and enter into Title I, Indian Self-Determination Act (P.L. 93-638, as amended) contracts and Title V Self Governance Compacts pursuant to the Indian Self-Determination Act (P.L. 93-638, as amended), subject to the Terms and Conditions as found attached at Exhibit B.

Section Three. Approval

A. The Health, Education and Human Services Committee of the Navajo Nation Council hereby approves and recommends to the Naabik’iyyati’ Committee that the Utah Navajo Health System, Inc. be given the revocable designation of “tribal organization” for a period of ten (10) years, beginning October 1, 2020 and ending September 30, 2030, for the purposes of contracting with the United States Indian Health Service and to negotiate and enter into Title I, Indian Self-Determination Act (P.L. 93-638, as amended) contracts and Title V Self Governance Compacts pursuant to the Indian Self-Determination Act (P.L. 93-638, as amended), subject to the Terms and Conditions as found attached at Exhibit B.

B. The recommendation of the Health, Education and Human Services Committee is contingent on there being no changes to the Terms and Conditions as found at Exhibit B without the approval of the Health, Education and Human Services Committee.