TITLE: An Action Relating to Naabik’íyáti’; Authorizing and Approving Waiver of Administrative Costs for Federal Communications Commission COVID-19 Telehealth Cost Reimbursement Award

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0155-20

DATE: July 9, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO NAABIK'ÍYÁTI'; AUTHORIZING AND APPROVING WAIVER OF ADMINISTRATIVE COSTS FOR FEDERAL COMMUNICATIONS COMMISSION COVID-19 TELEHEALTH COST REIMBURSEMENT AWARD

PURPOSE: This resolution, if adopted, would authorize and approve waiver of Administrative Costs for Federal Communications Commission Covid-19 Telehealth Cost Reimbursement Award.

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 STANDING COMMITTEE RESOLUTION
24TH NAVAJO NATION COUNCIL – Second Year, 2020
INTRODUCED BY

(Sponsor)

TRACKING NO. 0155-20

AN ACTION
RELATING TO NAABIK'ÍYÁTI; AUTHORIZING AND APPROVING WAIVER OF ADMINISTRATIVE COSTS FOR FEDERAL COMMUNICATIONS COMMISSION COVID-19 TELEHEALTH COST REIMBURSEMENT AWARD

SECTION ONE. AUTHORITIES
A. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council. It has the authority to "review and continually monitor the programs and activities of federal and state departments and to assist development of such programs designed to serve the Navajo People and the Navajo Nation through intergovernmental relationships between the Navajo Nation and such departments." 2 N.N.C. §701(A)(7).

B. Pursuant to 2 N.N.C. § 701(A)(10), the Naabik'íyáti' Committee is authorized:
"To review and approve the negotiation and setting of the Navajo Nation’s indirect cost or administrative cost rate agreements with the cognizant federal agent. When in the best interest of the Nation, the committee may waive the indirect cost or administrative cost rate when:

a. The division, department or program requesting the waiver demonstrates a statutory and/or regulatory requirement that limits the indirect cost or administrative cost rate available for a particular grant or contract, or
b. There is a showing of necessity and a commitment of available general funds by the division, department or program requesting the waiver which is available to offset the loss in indirect costs or administrative costs."

SECTION TWO. FINDINGS

A. COVID-19 is a serious respiratory disease. COVID-19, a global pandemic, has affected all communities of the Navajo Nation. In the United States, the rate of COVID-19 is again rapidly increasing.

B. The Navajo CHR/Outreach program, Navajo Nation Department of Health, on April 23, 2020, submitted a Telehealth cost reimbursement award application to the Wireless Competition Bureau, Federal Communications Commission (FCC). See Exhibit A. The purposes include monitoring patients requiring hospitalization during the COVID-19 pandemic. On May 6, 2020, the Wireless Competition Bureau, on a cost reimbursement basis, issued notice of award to the CHR/Outreach Program, Navajo Nation Department of Health, in the amount of $954,990. See attached Exhibit B, Funding Commitment Letter (Commitment Number 0048). Generally, under the award, funds would be used "to provide home health care and remote monitoring services throughout the Navajo Nation to patients who are isolated and under shelter-in-place orders, including low-income, elderly and vulnerable and high risk patients." See Exhibit C, FCC News, May 6, 2020.

C. Administrative costs are not allowed under the award provided to the Navajo Nation CHR/Outreach program. The applicable federal administrative order, in part, provides:

"The COVID-19 Telehealth Program will not provide funding for health care provider administrative costs associated with participating in the COVID-19 Telehealth Program (e.g., costs associated with completing COVID-19 Telehealth Program applications and other submissions) or other miscellaneous expenses (e.g., doctor and staff time spent on the COVID-19 Telehealth Program and outreach). We emphasize that COVID-19 Telehealth Program funds may only be used for services and devices covered under the CARES Act. The costs of ineligible items must not be included in the reimbursement requests for the COVID-

D. Because of federal administrative order FCC-20-44A1, and pursuant to Navajo Nation law, the Navajo Nation CHR/Outreach Program is seeking a waiver of administrative costs associated with the FCC award provided the program.

E. Under the award extended to the Navajo Nation, funds must be expended by September 30, 2020. It is absolutely crucial that the funds be made available immediately for purposes of addressing emergencies presented by COVID-19.

SECTION THREE. APPROVING ADMINISTRATIVE COST WAIVER

A. The Navajo Nation hereby approves and authorizes a waiver of administrative costs for the Federal Communications Commission Covid-19 Telehealth cost reimbursement award dated May 6, 2020 (Funding Commitment Number 0048 - Wireless Competition Bureau).

B. With the assistance of the Navajo Nation Office of the Controller, Office of Management and Budget and the Navajo Nation Department of Justice, the CHR/Outreach Program, Navajo Department of Health, shall finalize and submit to the federal awarding agency all necessary documents for purposes of completing all award requirements. Further, the President of the Navajo Nation shall be authorized to execute any and all documents necessary to effectuate the intent of this resolution.