

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0261-19

SPONSOR: Daniel Tso

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

Date posted: August 29, 2019 at 4:27 PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0261-19

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

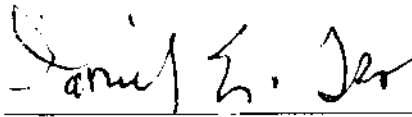
PURPOSE: The purpose of this legislation is to adopt position statements of the Navajo Nation Division of Health for presentation to the United States Department of Health.

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.

5-DAY BILL HOLD PERIOD:
Website Posting Time/Date:
Posting End Date: 9-3-19
Eligible for Action: 9-4-19

1 PROPOSED COMMITTEE RESOLUTION OF THE NAVAJO NATION
2 24th NAVAJO NATION COUNCIL -- First Year, 2019

3 INTRODUCED BY

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5 
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7 (Primary Sponsor)

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9 TRACKING NO. 0261-19

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11 AN ACTION

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

16
17 WHEREAS:

- 18
19 1. The federal government owes a duty of trust towards Native Americans. The
20 obligations under this trust have been defined as "moral obligations of the highest
21 responsibility and trust." *Seminole Nation v. United States*, 316 U.S. 286, 297 (1942).
22 This trust responsibility includes "legally enforceable fiduciary obligation[s] on the part of
23 the United States to protect tribal treaty rights, lands, assets, and resources, as well as ...
24 dut[ies] to carry out the mandates of federal law with respect to American Indian and
25 Alaska Native tribes and villages." See e.g., <https://www.bia.gov>.
26 2. Under the Treaty of 1868 between the Navajo Nation and the United States
27 government, the federal government, among other responsibilities, must provide adequate
28 health care for all members of the Navajo Nation. Concerning this, the Indian Health
29 Services (IHS) has stated, "[a]n awareness of the legal basis for the federal obligation to
30 provide health care to American Indians and Alaska Natives is important when designing

1 health care programs, developing federal budgets, coordinating with other agencies...."
2 See. <http://www.ihs.gov>. The "federal trust responsibility to uphold the treaty
3 responsibility for health care to Indians is accomplished," according to the IHS, "by
4 consulting with Indian Tribes and then actively advocating for policy, legislative, and
5 budgetary planning for Indian health care." *Id.*

6 4. The Navajo Nation Department of Health has prepared position statements on behalf
7 of the Navajo Nation. The statements therein concern:

8 a). Federal funding for the Navajo Nation Community Health
9 Representative/Outreach program, the Health Education Program, the Navajo Nation
10 HIV Prevention Program, the Navajo Nation Crisis Response Team, and Navajo
11 Nation Health Care Facility Construction.

12 b). Federal funding for adequately addressing colorectal cancer within the Navajo
13 Nation.

14 c). Support for and the reauthorization of the Special Diabetes Program for
15 Indians.

16 d). Lack of Tribal Consultation in the decision to transition the Navajo WIC
17 Nutrition Program from the Western Regional Office to the Southwest Regional
18 Office.

19
20 NOW THEREFORE BE IT RESOLVED:

21 1. The Navajo Nation recommends that the federal government uphold its trust
22 responsibilities for health care for the members of the Navajo Nation by providing
23 sufficient and adequate funding.

24 2. The Navajo Nation adopts position statements prepared by the Navajo Nation
25 Department of Health, attached as Exhibit "A." The department, its agents and designees
26 are authorized to present the statements on behalf of the Navajo Nation.