

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0095-21\_

SPONSOR: Edison Wauneka

**TITLE: An Action Relating to Health, Education and Human Services Committee; Recommending for Approval of the Naabik'iváti' Committee the Designation of the Fort Defiance Indian Hospital Board, Inc. as a Navajo Nation "Tribal Organization" 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**

*Date posted:* June 9, 2021 at 5:13 PM

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## LEGISLATIVE SUMMARY SHEET

Tracking No. 0095-21

**DATE:** June 8, 2021

**TITLE OF RESOLUTION:** AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE; RECOMMENDING FOR APPROVAL OF THE NAABIK'ÍYÁTI COMMITTEE THE DESIGNATION OF THE FORT DEFIANCE INDIAN HOSPITAL BOARD, INC. AS A NAVAJO NATION "TRIBAL ORGANIZATION" 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:** To recommend for approval of the Naabik'iyati' Committee the designation of the Fort Defiance Indian Hospital Board, Inc. (FDIHB) as a Navajo Nation "tribal organization" for the purposes of contracting with the United States Indian Health Service, and authorizing the FDIHB 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 required.

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 VERIFIED  
Website Posting Time/Date  
Posting End Date: JUNE 14, 2021  
Eligible for Action: JUNE 15, 2021

1 PROPOSED STANDING COMMITTEE RESOLUTION  
2 24<sup>th</sup> NAVAJO NATION COUNCIL -- Third Year, 2021

3 INTRODUCED BY

4   
5  
6 (Prime Sponsor)

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8 TRACKING NO. 0095-21

9  
10 AN ACTION

11 RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE;  
12 RECOMMENDING FOR APPROVAL OF THE NAABIK'ÍYÁTI COMMITTEE THE  
13 DESIGNATION OF THE FORT DEFIANCE INDIAN HOSPITAL BOARD, INC. AS A  
14 NAVAJO NATION "TRIBAL ORGANIZATION" FOR THE PURPOSES OF  
15 CONTRACTING WITH THE UNITED STATES INDIAN HEALTH SERVICE AND  
16 AUTHORIZING IT TO NEGOTIATE AND ENTER INTO TITLE I, INDIAN SELF-  
17 DETERMINATION ACT (P.L. 93-638, AS AMENDED) CONTRACTS AND TITLE V  
18 SELF GOVERNANCE COMPACTS PURSUANT TO THE INDIAN SELF-  
19 DETERMINATION ACT (P.L. 93-638, AS AMENDED), SUCH DESIGNATION OF  
20 "TRIBAL ORGANIZATION" BEING REVOCABLE AND CONTINGENT ON  
21 COMPLIANCE WITH ALL TERMS AND CONDITIONS AS REQUIRED

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23  
24 **BE IT ENACTED:**

25 **SECTION ONE. AUTHORITY**

- 26 A. The Health, Education and Human Services Committee exercises oversight  
27 responsibility over all matters related to health on the Navajo Nation. 2 N.N.C. §400  
28 (C)(1)
- 29 B. The Health, Education and Human Services Committee exercises authority to review  
30 and recommend the authorization and designation of a for-profit or non-profit health or

1 social services organization as a tribal organization for the purposes of contracting or  
2 compacting under the Indian Self-Determination and Education Assistance Act. 2  
3 N.N.C. § 401 (6)(e).

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

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

14 E. The Naabik’iyati’ Committee of the Navajo Nation Council, only upon the  
15 recommendation for approval by the Health, Education and Human Services  
16 Committee and the approval of each of the Navajo Nation Chapters to be served, is to  
17 act as the final authority for approving the revocable designation of “tribal  
18 organization” for purposes of contracting under the Indian Self-Determination Act  
19 (P.L. 93-638, as amended), and Title V Self Governance Compacts pursuant to the  
20 Indian Self-Determination Act. (P.L. 93-638, as amended).

## 21 22 **SECTION TWO. FINDINGS**

23 A. Resolution CJY-33-10 authorized contractors to be authorized as Navajo Nation “tribal  
24 organizations” for the purpose of entering into Title V, Self-Governance  
25 Compacts/Contracts pursuant to the Indian Self-Determination Act, (P.L. 93-638, as  
26 amended).

27 B. The Fort Defiance Indian Hospital Board, Inc. has requested to be designated a “tribal  
28 organization” for a period of fifteen (15) years, for the purposes of contracting with the  
29 United States Indian Health Service and to negotiate and enter into Title I, Indian Self-  
30 Determination Act (P.L. 93-638, as amended) Contracts. *See Exhibit A*

- 1 C. The Fort Defiance Indian Hospital Board, Inc. serves the Navajo Nation Chapters and  
2 Commissioned Governments of Cornfields, Crystal, Fort Defiance, Ganado,  
3 Greasewood Springs, Houck, Kin Dah Lichii', Klagetoh, Nahata Dzil, Oak Springs,  
4 Red Lake, Sawmill, St. Michaels, Steamboat, Tse' Si' Ani', and Wide Ruins.
- 5 D. The Fort Defiance Indian Hospital Board, Inc. proposal for designation of "tribal  
6 organization" has been endorsed by separate resolutions adopted by all the named  
7 respective chapters. The chapter resolutions are attached and can be found in **Exhibit B**.
- 8 E. The Health, Education and Human Services Committee, by Resolution HEHSCD-26-  
9 18 attached as **Exhibit C**, previously authorized the Fort Defiance Indian Hospital  
10 Board, Inc., as a "tribal organization" to negotiate and enter into Title I, Indian Self-  
11 Determination Act (P.L. 93-638, as amended), Contracts and Title V, Indian Self-  
12 Determination Act (P.L. 93-638, as amended) Compacts being revocable and  
13 contingent on continuing compliance with all terms and conditions as approved by the  
14 Health, Education and Human Services Committee of the Navajo Nation Council.
- 15 F. The Fort Defiance Indian Hospital Board, Inc.'s tribal designation expires on December  
16 28, 2021.
- 17 G. The Health, Education and Human Services Committee of the Navajo Nation Council  
18 finds it to be in the best interest of the Navajo Nation to approve and recommend to the  
19 Naabik'iyáti Committee that the Fort Defiance Indian Hospital Board, Inc. be given the  
20 revocable designation of "tribal organization" for a period of fifteen (15) years for the  
21 purposes of contracting with the United States Indian Health Service and to negotiate  
22 and enter into Title I, Indian Self-Determination Act (P.L. 93-638, as amended)  
23 Contracts and Title V, Indian Self-Determination Act (P.L. 93-638, as amended)  
24 Compacts contingent on compliance with all terms and conditions as required in  
25 **Exhibit D**.

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27 **SECTION THREE. APPROVAL**

- 28 A. The Health, Education and Human Services Committee of the Navajo Nation Council  
29 hereby approves and recommends to the Naabik'iyáti Committee that the Fort Defiance  
30 Indian Hospital Board, Inc. be given the revocable designation of "tribal organization"

1 for a period of fifteen (15) years, beginning December 29, 2021, and ending December  
2 28, 2036, for the purposes of contracting with the United States Indian Health Service  
3 and to negotiate and enter into Title I, Indian Self-Determination Act (P.L. 93-638, as  
4 amended) Contracts, and Title V, Indian Self-Determination Act (P.L. 93-638, as  
5 amended) Compacts contingent on compliance with Terms and Conditions as required  
6 in **Exhibit D**.

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