TITLE: An Action Relating to Law and Order, Health, Education and Human Services, Budget and Finance and Naabik’íyáti’ Committees: Approving and Authorizing the Navajo Department of Health, Division of Public Safety and Division of Social Services to Pursue Entry into the Indian Health Service Self-Governance Program per Title V of the Indian Self-Determination and Education Assistance Act, 25 U.S.C. §§ 5301-5423 (P.L. 93-638, as Amended) by Conducting the Required Planning Process and Applying for Funding Resources Available from the Indian Health Service

Date posted: __August 17, 2021 at 4:10PM

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DATE: August 10, 2021


PURPOSE: This resolution, if adopted, would approve and authorize the Navajo Department of Health, Division of Public Safety and Division of Social Services to pursue entry into the Indian Health Service Self-Governance Program per Title V of the Indian Self-Determination and Education Assistance Act, 25 U.S.C. §§ 5301-5423 (P.L. 93-638, as amended) by conducting the required Planning Process and applying for Funding Resources available from the Indian Health Service.

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.
AN ACTION

BE IT ENACTED:

SECTION ONE. AUTHORITY
A. Pursuant to 2 N.N.C. §600, the Law and Order Committee is established as a standing committee of the Navajo Nation Council; and pursuant to 2 N.N.C. §601(C)(1), the Law and Order Committee is the oversight committee for the Navajo Department of Public Safety (NDPS).
B. Pursuant to 2 N.N.C. § 400, the Health, Education and Human Services Committee is established as a standing committee of the Navajo Nation Council; and pursuant to 2 N.N.C. § 401 (C)(1), the Health, Education and Human Services Committee is the oversight committee for the Navajo Department of Health (NDOH) and Navajo Division of Social Services (NDSS).

C. Pursuant to 2 N.N.C. § 300, the Budget and Finance Committee is established as a standing committee of the Navajo Nation Council; and pursuant to 2 N.N.C. § 301(B)(15), the Budget and Finance Committee is authorized to approve and accept contracts from federal authorities upon the recommendation of the standing committee that has oversight of the program requesting the contract.


SECTION TWO. FINDINGS
A. The Indian Self-Determination and Education Assistance Act (Pub. L. No. 93-638, 25 U.S.C. §§ 5301-5423, “ISDEAA”) authorizes the Nation to assume federal programs, functions, services or activities (“PFSAs”) through a Title V self-governance compact entered into with the Secretary of the U.S. Department of Health and Human Services.

B. NDOH, NDSS and NDPS currently operate healthcare services for the Navajo Nation under separate Title I contracts with the Indian Health Service.

C. It is in the best interest of the Navajo Nation to pursue entry into the IHS self-governance program to provide healthcare services.

D. In order to enter the self-governance program, the Nation must demonstrate financial stability and financial management capacity, complete a planning process to the satisfaction of the Navajo Nation, and request entry into the program.

SECTION 3. APPROVALS
A. The Navajo Nation authorizes NDOH, NDSS and NDPS to conduct a planning process to address legal and budgetary issues and internal government planning and
organizational preparation relating to the administration of health programs as required by 42 C.F.R. § 137.20.

B. The Navajo Nation authorizes NDOH, NDSS and NDPS to pursue entry into the IHS self-governance program, and directs the Nation to work in support of this goal, including to take any actions needed to ensure the Nation meets the financial management and stability requirements.

C. The Navajo Nation authorizes NDOH, NDSS and NDPS to apply for any funding resources available from the Indian Health Service, including but not limited to the Office of Tribal Self-Governance planning and negotiation cooperative agreements, to support the Nation’s entry into the self-governance program.

D. The Navajo Nation authorizes NDOH, NDSS and NDPS to submit a formal request to enter the IHS self-governance program and to negotiate a Compact under Title V of the ISDEAA once the planning process mentioned above is completed.