

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0088-22_

SPONSOR: Eugenia Charles-Newton

TITLE: An Action Relating to the Health, Education and Human Services and Naabik'iyáti' Committees; Opposing Secretary of the U.S. Department of Veterans Affairs Recommendation in Closing Several Veterans Affairs Community-Based Outpatient Clinics Near the Navajo Nation Including the Gallup Community-Based Outpatient Clinic; Request the Air and Infrastructure Review Commission to Review and Recommend a Community-Based Outpatient Clinic or Similar VA Health Care Facility to be Established Within the Navajo Nation

Date posted: April 22, 2022 at 11:44AM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0088-22

DATE: April 21, 2022

TITLE OF RESOLUTION: AN ACTION RELATING TO THE HEALTH, EDUCATION, AND HUMAN SERVICES AND THE NAABIK'ÍYÁTI' COMMITTEES; OPPOSING SECRETARY OF THE U.S. DEPARTMENT OF VETERANS AFFAIRS RECOMMENDATION IN CLOSING SEVERAL VETERANS AFFAIRS COMMUNITY-BASED OUTPATIENT CLINICS NEAR THE NAVAJO NATION INCLUDING THE GALLUP COMMUNITY-BASED OUTPATIENT CLINIC; REQUEST THE AIR AND INFRASTRUCTURE REVIEW COMMISSION TO REVIEW AND RECOMMEND A COMMUNITY-BASED OUTPATIENT CLINIC OR SIMILAR VA HEALTH CARE FACILITY TO BE ESTABLISHED WITHIN THE NAVAJO NATION

PURPOSE: If approved, this resolution will oppose the Secretary of the U.S. Department of Veterans Affairs recommendation in closing several Community-Based Outpatient Clinics near the Navajo Nation including Gallup, New Mexico. This resolution also requests the Air and Infrastructure Review Commission to look into and analyze whether the Commission can amend the Secretary's recommendation and include a Community-Based Outpatient Clinic or a VHA Healthcare Facility to established within the Navajo Nation for Navajo veterans as part of modernizing VHA facilities under the MISSION Act of 2018.

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: aphusa

Website Posting Time/Date: _____

Posting End Date: 04-27-22

Eligible for Action: 04-28-22

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL – Fourth Year, 2022

INTRODUCED BY



(Sponsor)

TRACKING NO. 0088-20

AN ACTION

RELATING TO THE HEALTH, EDUCATION, AND HUMAN SERVICES AND THE NAABIK'ÍYÁTI' COMMITTEES; OPPOSING SECRETARY OF THE U.S. DEPARTMENT OF VETERANS AFFAIRS RECOMMENDATION IN CLOSING SEVERAL VETERANS AFFAIRS COMMUNITY-BASED OUTPATIENT CLINICS NEAR THE NAVAJO NATION INCLUDING THE GALLUP COMMUNITY-BASED OUTPATIENT CLINIC; REQUEST THE AIR AND INFRASTRUCTURE REVIEW COMMISSION TO REVIEW AND RECOMMEND A COMMUNITY-BASED OUTPATIENT CLINIC OR SIMILAR VA HEALTH CARE FACILITY TO BE ESTABLISHED WITHIN THE NAVAJO NATION

BE IT ENACTED:

WHEREAS,

A. The Health, Education, and Human Services Committee is a standing committee of the Navajo Nation Council empowered to represent the Navajo Nation at the local, state and federal levels, in coordination with the President of the Navajo Nation and the Naabik'iyáti' Committee on proposed legislation, funding and other actions affecting health, environmental health, social services, education, veteran services, employment, and labor. 2 N.N.C. §§ 400(A), 401(B)(7)(a).

- 1 B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council
2 with the authority to coordinate with all committees, Chapters, branches, and entities
3 concerned with all Navajo appearances and testimony before Congressional
4 committees, departments of the United States government, state legislatures and
5 departments and county and local governments. 2 N.N.C. §§ 700(A), 701(A)(8).
- 6 C. The Navajo Nation has a government-to-government relationship with United States
7 government. The Navajo Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.
- 8 D. VA Maintaining Internal Systems and Strengthening Integrated Outside Networks
9 Act of 2018 (VA MISSION Act of 2018). Pub. L. No. 115-182, 132 Stat. 1393, 115th
10 Congress (2018) establishes a permanent community care program for veterans,
11 establishes a commission for the purpose of making recommendations regarding the
12 modernization or realignment of facilities of the Department of Veterans Affairs,
13 provides certain improvements in the laws administered by the Secretary of Veterans
14 Affairs relating to the home loan program of the Department of Veterans Affairs, and
15 other purposes.
- 16 E. There are five Titles within the MISSION Act of 2018: TITLE I establishes the
17 Community Care Programs; TITLE II establishes the VA Asset and Infrastructure
18 Review; Title III provides for Improvements to Recruitment of Health Care
19 Professionals; Title IV Health Care in Underserved Areas; and TITLE V lists Other
20 Matters.
- 21 F. Under TITLE II of the MISSION Act of 2018, Section 201 provides this subtitle to be
22 cited as the "VA Asset and Infrastructure Review Act of 2018."
- 23 G. Section 202, established an independent commission to be known as the "Asset and
24 Infrastructure Review Commission (Commission)." The Commission is comprised of
25 nine members appointed by the President of the United States, by and with the advice
26 and consent of the Senate. The Commission is set to terminate on December 31,
27 2023.
- 28 H. Pursuant to Section 203, the Selection Criteria are designed to keep Veterans' needs
29 at the center of the decision-making process, assuring that each Veteran can receive
30 the integrated care they have earned and deserve. The procedures for making

1 recommendations regarding the modernization or realignment of facilities of the
2 Veterans Health Administration were finalized, adopted, and published as a final rule
3 on May 28, 2021, attached as **Exhibit A**.

- 4 I. In determining the recommendation by Secretary McDonough, the VA conducted a
5 multi-year large-scale assessment of VA's health care system. The Department has
6 analyzed extensive data, conducted interviews with leaders at every VA medical
7 center (VAMC) across the country, conducted listening sessions with Veterans and
8 other stakeholders, and consulted with Veterans Service Organizations (VSOs). *See*
9 U.S. Department of Veterans Affairs—Office of Public and Intergovernmental
10 Affairs, *VA releases Asset and Infrastructure Review report* (March 14, 2022)
11 available at: <https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5774>
- 12 J. Pursuant to Section 203(b)(4), and the final notice attached as **Exhibit B**, the
13 Secretary submitted to the Committees on Veterans' Affairs of the Senate and the
14 House of Representatives and to the Asset and Infrastructure Review Commission a
15 report detailing recommendations for the modernization or realignment of VHA
16 facilities developed utilizing the final criteria published in the Federal Register (*see*
17 *also Exhibit A*) on May 28, 2021.
- 18 K. The final notice and recommendations were submitted to the Asset and Infrastructure
19 Review Commission regarding closure of Community-Based Outpatient Clinics
20 throughout the United States including areas in New Mexico.
- 21 L. In response to the recommendations submitted to the Air and Infrastructure Review
22 Commission for the closures of several VA Community-Based Outpatient Clinics,
23 Representative Teresa Leger Fernandez, attached as **Exhibit C**, expressed concerns
24 that the closures in New Mexico would jeopardize the VA's obligation in providing
25 veterans health care, services, and support. Ultimately, the closure would make it
26 harder for veterans to receive essential health services. Congresswoman Fernandez
27 also provided context that local veteran stakeholders were disregarded as they
28 opposed the recommendations from the Secretary.
- 29 M. The Navajo Nation stands in agreement with Representative Teresa Leger
30 Fernandez's response and finds that Navajo veterans are already at a disadvantage in

1 receiving adequate healthcare from Veterans Affairs healthcare facilities because of
2 the long distances, lack of adequate transportation, and insufficient funds.

3 N. The Navajo Nation also understands that closing the Community-Based Outpatient
4 Clinic in Gallup, New Mexico would detrimentally disadvantage Navajo veterans
5 who receive care at that facility because the veterans would be obligated to travel
6 even further to receive VA healthcare.

7 O. In October 2021, The Navajo Nation President met with the U.S. Deputy Assistant
8 Secretary for the Office of Public and Intergovernmental Affairs Stephanie Birdwell
9 under the U.S. Department of Veterans Affairs, to request support for establishing a
10 new federal Veterans Administration regional district that would be located on the
11 Navajo Nation to provide service benefits closer to home and reduce the travel costs
12 that many Navajo veterans incur commuting hundreds of miles to the nearest federal
13 veterans offices including VA healthcare facilities. The Navajo Nation Office of the
14 President and Vice-President, *Navajo Nation Veterans Advisory Council Members*
15 *Take the Oath of Office*, pg. 2 (January 4, 2022).

16 P. Furthermore, The Navajo Nation continuously requests the United States Congress
17 and President Joe Biden's Administration, to establish direct services on the Navajo
18 Nation for Navajo veterans. Navajo Nation Resolution No. NABIAU-25-21,
19 NABIMY-27-19, and NABIN-69-18 are hereby incorporated by reference only.

20 Q. The Navajo Nation firmly opposes the Secretary's recommendation in closing the
21 Community-Based Outpatient Clinics in close proximity to the Navajo Nation
22 including the Community-Based Outpatient Clinic in Gallup, New Mexico.

23 R. Additionally, the Navajo Nation requests the Asset and Infrastructure Review
24 Commission to review, analyze, and recommend Community-Based Outpatient
25 Clinics or a VA Healthcare Facility to be constructed within the Navajo Nation
26 pursuant to Section 203(c)(2)(A)(B) of the MISSION Act of 2018. Upon the
27 conclusion of the Commission's review, the President of the United States should
28 recommend to the Committees on Veterans' Affairs of the Senate and the House of
29 Representatives, the establishment of VA Healthcare Facility on the Navajo Nation.
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1 S. The Navajo Nation in the best interest of the Navajo veterans opposes the Secretary's
2 closure of the Community-Based Outpatient Clinics near the Navajo Nation including
3 the Gallup, New Mexico location, and requests the Air and Infrastructure Review
4 Commission to analyze and review the Secretary's recommendation to include
5 construction of a Community-Based Outpatient Clinic or a similar VA Healthcare
6 Facility to be constructed on the Navajo Nation.
7

8 **NOW, THEREFORE, BE IT RESOLED THAT,**

9 A. The Naabik'Iyáti' Committee of the Navajo Nation Council hereby firmly opposes
10 the Secretary of the United States Department of Veterans Affairs in closing
11 Community-Based Outpatient Clinics near the Navajo Nation including the
12 Community-Based Outpatient Clinic in Gallup, New Mexico.

13 B. The Navajo Nation requests the Asset and Infrastructure Review Commission to
14 review, analyze, and recommend Community-Based Outpatient Clinics or a similar
15 VHA Healthcare Facility to be constructed within the Navajo Nation pursuant to
16 Section 203(c)(2)(A)(B) as part of modernizing VHA facilities under the MISSION
17 Act of 2018.

18 C. The Navajo Nation hereby authorizes the Speaker of the Navajo Nation Council,
19 President of the Navajo Nation, the Navajo Nation Washington Office, and/or their
20 respective designees, to advocate on the behalf of the Navajo Nation's opposition to
21 the Secretary of the U.S. Department of Veterans Affairs' recommendation in closing
22 Community-Based Outpatient Clinics near the Navajo Nation.
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