

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0097-22_

SPONSOR: Thomas Walker, Jr.

TITLE: An Action Relating to Health, Education, and Human Services and Naabik'iyáti' Committees; Approving the Dilkon Medical Center Transfer Agreement Between the U.S. Department of Health and Human Services Indian Health Service and the Winslow Indian Health Care Center, Inc.; and Authorizing the Winslow Indian Health Care Center, Inc. to assume Operation and Maintenance of the Dilkon Medical Center after Winslow Indian Health Care Center, Inc., Acceptance

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0097-22

DATE: May 6, 2022

TITLE OF LEGISLATION: A PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO HEALTH EDUCATION AND HUMAN SERVICES AND NAABIK'ÍYÁTI' COMMITTEES; APPROVING THE DILKON MEDICAL CENTER TRANSFER AGREEMENT BETWEEN THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES INDIAN HEALTH SERVICE AND THE WINSLOW INDIAN HEALTH CARE CENTER, INC.; AND AUTHORIZING THE WINSLOW INDIAN HEALTH CARE CENTER, INC. TO ASSUME OPERATION AND MAINTENANCE OF THE DILKON MEDICAL CENTER AFTER WINSLOW INDIAN HEALTH CARE CENTER, INC., ACCEPTANCE

PURPOSE: The purpose of this legislation to authorize a Transfer Agreement between the Secretary of Health and Human Services, the Grantor, acting pursuant to Title V of the Indian Self-Determination and Education Assistance Act (ISDEAA), Public Law 93-638, as amended, and the Winslow Indian Health Care Center, Inc., the Grantee, transferring title to the Dilkon Medical Center including all South Site Staff Quarters, North Site Staff Quarters and structures, to the Winslow Indian Health Care Center, Inc. The Navajo Nation further authorizes WIHCC to assume operation and maintenance (O&M) of the DMC after WIHCC acceptance (substantial completion).

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: 05-15-2022
Eligible for Action: 05-16-2022

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL -- Fourth Year, 2022

3 INTRODUCED BY

4 
5
6 (Prime Sponsor)

7
8 TRACKING NO. 0097-22

9
10 AN ACTION

11 RELATING TO HEALTH EDUCATION AND HUMAN SERVICES AND
12 NAABIK'ÍYÁTI' COMMITTEES; APPROVING THE DILKON MEDICAL CENTER
13 TRANSFER AGREEMENT BETWEEN THE U.S. DEPARTMENT OF HEALTH AND
14 HUMAN SERVICES INDIAN HEALTH SERVICE AND THE WINSLOW INDIAN
15 HEALTH CARE CENTER, INC.; AND AUTHORIZING THE WINSLOW INDIAN
16 HEALTH CARE CENTER, INC. TO ASSUME OPERATION AND MAINTENANCE OF
17 THE DILKON MEDICAL CENTER AFTER WINSLOW INDIAN HEALTH CARE
18 CENTER, INC., ACCEPTANCE

19
20 **BE IT ENACTED:**

21 **SECTION ONE. AUTHORITY**

- 22 A. The Health, Education and Human Services Committee is a standing committee of
23 the Navajo Nation Council and has authority to provide legislative oversight on
24 matters involving health, to establish Navajo Nation policy governing health, to
25 review and recommend resolutions relating to health. 2 N.N.C. §§ 400(A), (C)(1),
26 401 (B)(2), 401 (B)(6).
- 27 B. The Naabik'iyáti' Committee is authorized to approve contracts with the United
28 States Department of Interior for the implementation of the Indian Self-
29 Determination and Education Assistance Act, 25 U.S.C. §450 et seq. (P. L. 93-638
30 as amended). 2 N.N.C. §701(A) (12).

1 C. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council
2 and has the power to coordinate all federal programs with other standing committees
3 and branches of the Navajo Nation government to provide the most efficient delivery
4 of services to the Navajo Nation, and to review and continually monitor the programs
5 and activities of the federal departments to serve the Navajo People and the Navajo
6 Nation through intergovernmental relationships between the Navajo Nation and such
7 departments. 2 N.N.C. §§ 700(A), 701 (A)(4)(7).
8

9 **SECTION TWO. FINDINGS**

10 A. The Winslow Indian Health Care Center (WIHCC) is a non-profit corporation
11 chartered under Navajo Nation law and authorized by the Navajo Nation Council by
12 Resolution on July 21, 2010, the Navajo Nation by Resolution Nos. CJY-33-10 and
13 NABID-97-18 as a "tribal organization," authorized to operate federally funded
14 health care programs, services, functions and activities in and near the eight (8)
15 Chapters of Leupp, Bird Springs, Teesto, White Cone, Dilkon, Tolani Lake, Jeddito
16 and Indian Wells. The Navajo Nation supported the WIHCC in the compacting for
17 the planning, design and construction of the new Dilkon Alternative Rural Health
18 Center. Resolution No. CJY-33-10 (with its Exhibit A) is attached hereto as **Exhibit**
19 **A**, Resolution NABID-97-18 (without exhibits) is attached hereto as **Exhibit B**, and
20 Resolution NABIO-88-16 (without exhibits) is attached hereto as **Exhibit C**.

21 B. On May 15, 2019, the Resources and Development Committee by Resolution
22 RDCM-013-19 approved a Lease (IHS Lease No. 102-19-1002) for 43.13 acres, more
23 or less, of Navajo Nation Trust Lands between the Navajo Nation and the U.S.
24 Department of Health and Human Services Indian Health Service (IHS) within the
25 Dilkon Chapter, Navajo Nation. The lease is for the Dilkon Medical Center (DMC)
26 and staff quarters. Resolution RDCMY-013-19 (without exhibits) is attached hereto
27 as **Exhibit D**.

28 C. On February 10, 2021, the Resources and Development Committee by Resolution
29 RDCF-06-21 approved a Lease (IHS Lease No. 102-21-1002) for 32.27 acres, more
30 or less, of Navajo Nation Trust Lands between the Navajo Nation and IHS within the
Dilkon Chapter, Navajo Nation. The lease is for the DMC staff quarters. Resolution

1 North Site Staff Quarters and structures RDCF-06-21 is attached hereto as **Exhibit E**
2 (without exhibits).

3 D. In October 2018, IHS and WIHCC entered into a Title V Construction Project
4 Agreement, Modification No. 3, attached hereto as **Exhibit F**, regarding the DMC
5 under which WIHCC compacted with IHS to design and construct the DMC and
6 associated staff quarters and to address ownership and operation of the DMC upon
7 completion of the project. Within the Agreement, Modification No. 3, IHS and
8 WIHCC addressed ownership, operation and maintenance of the DMC as follows:

9
10 The IHS will assume ownership of the DMC upon completion of construction
11 and acceptance (substantial completion) of the DMC by WIHCC and IHS.

12
13 At any time after the execution of the TVCPA Modification No. 3, the WIHCC
14 may submit a Tribal Resolution from the Navajo Nation to IHS stating:

- 15
16 a. The Navajo Nation will own the new DMC after WIHCC and IHS
17 acceptance (substantial completion), or
18 b. The Navajo Nation authorizes WIHCC to own the DMC after WIHCC
19 acceptance (substantial completion), and
20 c. The Navajo Nation authorizes the WIHCC to assume operation and
21 maintenance (O&M) of the DMC after WIHCC acceptance (substantial
22 completion).

23 After acceptance (substantial completion) of the [DMC], and provision of a
24 Navajo Nation Resolution as outlined above, a transfer agreement will be
25 executed to transfer title of the [DMC] to either the Navajo Nation or the
26 WIHCC, as authorized in the Navajo Nation Resolution. IHS will retain all
27 funds and responsibility for the O&M of the [DMC] until such time as those
28 funds and responsibilities are transferred to WIHCC under the ISDEAA.

29
30 Page 5 and 6, Section K, Title V Construction Project Agreement, Modification No.
3.

- 1 E. Upon consideration of the options for ownership, and operations and maintenance of
2 DMC, WIHCC had decided to pursue options “b” [The Navajo Nation authorizes
3 WIHCC to own the DMC after WIHCC acceptance (substantial completion)], and
4 “c”
5 [The Navajo Nation authorizes the WIHCC to assume operation and maintenance
6 (O& M) of the DMC after WIHCC acceptance (substantial completion)]. By
7 Resolution No.
8 WIHCC-2021-08, the WIHCC Board of Directors requested the Navajo Nation for a
9 land lease, and authority to take ownership, and to operate and maintain the DMC
10 and all associated facilities upon acceptance (substantial completion), attached hereto
11 as **Exhibit G**. In a letter dated June 7, 2021, Robert Salabye, President of the WIHCC
12 Board of Directors, submitted the Board resolution and requesting WIHCC the
13 Navajo Nation for a land lease, ownership, and to operate and maintain the DMC and
14 all associated facilities, attached hereto as **Exhibit H**.
- 15 F. The Secretary of Health and Human Services, the Grantor acting pursuant to Title V
16 of the Indian Self-Determination and Education Assistance Act (ISDEAA), Public
17 Law 93-638, as amended, and the Winslow Indian Health Care Center, Inc., the
18 Grantee, are preparing to enter into a Transfer Agreement transferring title to the
19 Dilkon Medical Center, including all South Site Staff Quarters, and North Site Staff
20 Quarters and structures, to the Winslow Indian Health Care Center, Inc. The Transfer
21 Agreement will be entered into after the Secretary of Health and Human Services
22 receives this Navajo Nation Council resolution.
- 23 G. The purpose of this resolution is for the Navajo Nation to authorize a Transfer
24 Agreement as provided by paragraph “b” in the October 2018, IHS and WIHCC Title
25 V Construction Project Agreement, Modification No. 3, **Exhibit F**, thereby
26 transferring ownership of the properties described in the Transfer Agreement, and to
27 authorize the WIHCC to assume operation and maintenance (O&M) of the DMC
28 after WIHCC acceptance (substantial completion) as provided by paragraph “c” in
29 the October 2018 Agreement, **Exhibit F**.
- 30 H. The transfer involves transferring ownership of the Dilkon Medical Center (DMC),
South Site Staff Quarters, and the North Site Staff Quarters and structures.

- 1 I. The Navajo Nation desires and encourages the U.S. Department of Health and Human
2 Services Indian Health Service and the Winslow Indian Health Care Center to work
3 together for the transfer of the ownership of the Dilkon Medical Center, the South
4 Site Staff Quarters, and the North Site Staff Quarters and structures in a cooperative
5 and expeditious manner for the benefit of the Navajo people.
- 6 J. The transfers are supported by the WIHCC, local Navajo Nation Chapters and other
7 health care entities. The supporting resolutions are attached hereto as **Exhibit I**.
- 8 K. The leases described in **Exhibits A** and **B** are not affected by this resolution. The
9 process for amending, modifying or terminating those leases are through the authority
10 of the Resources and Development Committee pursuant to 2 N.N.C. § 501 (B)(2).
- 11 L. It is in the best interest of the local Navajo communities, surrounding Navajo Nation
12 Chapters, and the Navajo Nation for the Navajo Nation to authorize the Transfer
13 Agreement thereby authorizing WIHCC to own, operate and maintain the DMC, the
14 South Site Staff Quarters, the North Site Staff Quarters and structures in Dilkon
15 Chapter, Navajo Nation.

16
17 **SECTION THREE. APPROVAL**

18 In accordance with **Exhibit F**, the October 2018, IHS and WIHCC Title V Construction
19 Project Agreement, Modification No. 3, the Navajo Nation hereby authorizes a
20 Transfer Agreement between the Secretary of Health and Human Services, the Grantor,
21 acting pursuant to Title V of the Indian Self-Determination and Education Assistance
22 Act (ISDEAA), Public Law 93-638, as amended, and the Winslow Indian Health Care
23 Center, Inc., the Grantee, transferring title to the Dilkon Medical Center including all
24 South Site Staff Quarters, North Site Staff Quarters and structures, to the Winslow
25 Indian Health Care Center, Inc. The Navajo Nation further authorizes WIHCC to
26 assume operation and maintenance (O&M) of the DMC after WIHCC acceptance
27 (substantial completion).

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