

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0260-19

SPONSOR: Charlaine Tso

**TITLE: An Action Relating To Health, Education And Human Services; Recommending For Approval Of The NAABIK'IYATI' Committee The Designation Of The Utah Navajo Health System, Inc. As A Navajo Nation "Tribal Organization" For A Period Of Twenty (20) Years, For The Purposes Of Contracting With The United States Indian Health Service And Authorizing It To Negotiate And Enter Into 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:* August 29, 2019 at 4:23 PM

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**LEGISLATIVE SUMMARY SHEET**  
**Tracking No. 0260-19**

**DATE:** August 23, 2019

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES;  
RECOMMENDING FOR APPROVAL OF THE NAABIK'IYATI' COMMITTEE THE  
DESIGNATION OF THE UTAH NAVAJO HEALTH SYSTEM, INC. AS A NAVAJO  
NATION "TRIBAL ORGANIZATION" FOR A PERIOD OF TWENTY (20) YEARS, FOR  
THE PURPOSES OF CONTRACTING WITH THE UNITED STATES INDIAN HEALTH  
SERVICE AND AUTHORIZING IT TO NEGOTIATE AND ENTER INTO 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:** Recommending granting "Tribal Organization" designation for twenty years to the  
Utah Navajo Health System, Inc.

**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 review the proposed resolution in detail.**

5-DAY BILL HOLD PERIOD: None  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 9-3-19  
Eligible for Action: 9-4-19

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

3 INTRODUCED BY

4  
5 \_\_\_\_\_  
6 (Prime Sponsor) 

7  
8 TRACKING NO. 0260-19

9  
10 AN ACTION

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

21  
22 **BE IT ENACTED:**

23  
24 **SECTION ONE. AUTHORITY**

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

1 compacting under the Indian Self-Determination and Education Assistance Act. 2  
2 N.N.C. § 401 (6)(e)

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

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

13 E. The Naabik'iyati Committee of the Navajo Nation Council, conditional upon a  
14 recommendation for approval by the Health, Education and Human Services  
15 Committee and the approval of each of the Navajo Nation Chapters to be served, is to  
16 act as the final authority for approving the revocable designation of "tribal  
17 organization" for purposes of contracting under the Indian Self-Determination Act  
18 (P.L. 93-638, as amended).

## 19 20 **SECTION TWO. FINDINGS**

21 A. Resolution CJY-33-10 authorized the Utah Navajo Health System Inc. ("UNHS") as a  
22 Navajo Nation "tribal organization" for the purpose of entering into Title V, Self-  
23 Governance Compacts pursuant to the Indian Self-Determination Act, (P.L. 93-638,  
24 as amended). CJY-33-10.

25 B. The UNHS has requested to be designated a "tribal organization" for the purposes of  
26 contracting with the United States Indian Health Service and to negotiate and enter into  
27 Title V Self Governance Compacts pursuant to the Indian Self-Determination Act (P.L.  
28 93-638, as amended). **Exhibit A.**

29 C. The UNHS serves the Navajo Nation Chapters of Naa'Isis'Aan, Teec Nos Pos, Blue  
30 Mountain Diné Community Chapter, Aneth, Red Mesa, and Oljato.

- 1 D. The UNHS proposal for designation of "tribal organization" has been endorsed by  
2 separate resolutions adopted by all the named respective chapters. The chapter  
3 resolutions can be found in **Exhibit A, Tab 4**.
- 4 E. The Health, Education and Human Services Committee of the Navajo Nation Council  
5 finds it to be in the best interest of the Navajo Nation to approve and recommend to the  
6 Naabik'iyati' Committee that UNHS be given the revocable designation of "tribal  
7 organization" for a period of twenty (20) years, beginning October 1, 2020 and ending  
8 September 30, 2040, for the purposes of contracting with the United States Indian  
9 Health Service and to negotiate and enter into Title V Self Governance Compacts  
10 pursuant to the Indian Self-Determination Act (P.L. 93-638, as amended), subject to  
11 the Terms and Conditions as found attached at **Exhibit B**.
- 12 F. The Health, Education and Human Services Committee of the Navajo Nation Council  
13 finds it to be in the best interest of the Navajo Nation to rescind Resolution HEHSCJY-  
14 17-19 previously adopted July 3, 2019. See **Exhibit No. 1**.

15  
16 **Section Three. Approval**

- 17 A. The Health, Education and Human Services Committee of the Navajo Nation  
18 Council hereby rescinds Resolution HEHSCJY-17-19.
- 19 B. The Health, Education and Human Services Committee of the Navajo Nation  
20 Council hereby approves and recommends to the Naabik'iyati' Committee that the  
21 Utah Navajo Health System, Inc. be given the revocable designation of "tribal  
22 organization" for a period of twenty (20) years, beginning October 1, 2020 and  
23 ending September 30, 2040, for the purposes of contracting with the United States  
24 Indian Health Service and to negotiate and enter into Title V Self Governance  
25 Compacts pursuant to the Indian Self-Determination Act (P.L. 93-638, as  
26 amended), subject to the Terms and Conditions as found attached at **Exhibit B**.
- 27 C. The recommendation of the Health, Education and Human Services Committee is  
28 contingent on there being no changes to the Terms and Conditions as found at  
29 **Exhibit B** without the approval of the Health, Education and Human Services  
30 Committee.