

RESOLUTION OF THE  
NAABIK'ÍYÁTI' COMMITTEE OF THE  
NAVAJO NATION COUNCIL

23<sup>rd</sup> NAVAJO NATION COUNCIL - Second Year, 2016

AN ACTION

RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN SERVICES;  
NAABIK'ÍYÁTI' COMMITTEES; REQUESTING A MEMORANDUM OF AGREEMENT  
BETWEEN THE UNITED STATES PUBLIC HEALTH SERVICES AND THE BUREAU OF  
INDIAN AFFAIRS TO ASSIGN COMMISSIONED CORPS OFFICERS TO THE NAVAJO  
NATION CORRECTIONAL FACILITIES TO PROVIDE HEALTHCARE TO THOSE  
INCARCERATED

WHEREAS:

- A. The Navajo Nation established the Law and Order Committee (LOC) as a Navajo Nation Council standing committee and as such empowered LOC to review and recommend resolutions regarding coordination between the Navajo Nation and the federal government. 2 N.N.C. §§ 164 (A)(9), 600 (C)(4), 601 (B)(1)(a), 601 (B)(13) (2015); *see also* CO-45-12.
- B. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and as such empowered Naabik'íyáti' Committee to coordinate all federal programs and to assist and coordinate all requests for information, appearances and testimony relating to federal legislation impacting the Navajo Nation. 2 N.N.C. §§ 164 (A)(9), 700 (A), 701 (A)(4), 701(A)(6) (2015); *see also* CO-45-12.
- C. The Navajo Nation has a government-to-government relationship with the United States of America, Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.
- D. Since 2007, the United States Department of Justice through the Bureau Justice Assistance (hereinafter "BJA") distributed funding to various tribes to renovate and construct correctional facilities on tribal reservations. *See generally* Bureau of Justice Assistance, [https://www.bja.gov/Programs/Tribal corrections/index.html](https://www.bja.gov/Programs/Tribal%20corrections/index.html) (last visited Mar. 31, 2016).
- E. The Navajo Nation Division of Public Safety received a total of nine grants from the BJA from 2007 through 2010 which consisted of: four adult detention center renovations and five new

constructions. See generally Bureau of Justice Assistance, [https://www.bja.gov/Programs/Tribal corrections/index.html](https://www.bja.gov/Programs/Tribal%20corrections/index.html) (last visited Mar. 31, 2016).

- F. However, the renovated and new constructions of detention facilities, "lack healthcare professionals to screen and treat inmates for communicable diseases or mental and behavioral health issues," due to the Bureau of Indian Affairs (hereinafter "BIA") and Indian Health Services (hereinafter "IHS") lack of appropriation for correctional health care into their budget line items; "BIA's systematic failure to fund correctional healthcare [redirects] limited IHS [funding] from [members of the Navajo Nation]." TUBA CITY REGIONAL HEALTH CARE CORP., TRIBAL CORRECTIONAL HEALTH CARE: A CRISIS & OPPORTUNITY (2016).
- G. Additionally, IHS continues to be underfunded and the absence of medical staff in the Navajo Nation correctional facilities is "forcing tribal healthcare providers to bear the full burden of inmate healthcare costs," and with the new correctional facilities the Navajo Nation "[is] now incarcerating [more people] for longer periods of time." TUBA CITY REGIONAL HEALTH CARE CORP., TRIBAL CORRECTIONAL HEALTH CARE: A CRISIS & OPPORTUNITY (2016).
- H. Currently, no direct healthcare services are provided within the nine facilities within the Navajo Nation.
- I. A Commissioned Corps Officer, of the United States Public Health Service, assigned to provide healthcare to individuals to the Navajo Nation correctional facilities would assist the Navajo Nation in providing healthcare without depleting the limited amount of resources and funding currently received by Navajo Nation IHS facilities.

**NOW THEREFORE, BE IT RESOLVED:**

- A. The Navajo Nation requests a Memorandum of Agreement between the Navajo Nation and the United States Public Health Services and the Bureau of Indian Affairs, in order to assign commissioned corps officers to provide healthcare within the correctional facilities within the Navajo Nation.
- B. The Navajo Nation hereby authorizes the Navajo Nation President, the Navajo Nation Speaker, the Navajo Nation Chief Justice and their designees, to advocate for a memorandum of agreement to be entered into between the Navajo Nation, United States Public Health Services and the Bureau of Indian Affairs.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 23rd Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 14 in favor and 0 oppose, this 23rd day of June, 2016.

A handwritten signature in dark ink, appearing to read "LoRenzo Bates", with a large, stylized flourish at the end.

Honorable LoRenzo Bates, Chairperson  
Naabik'íyáti' Committee

Motion: Raymond Smith  
Second: Seth Damon

# NAVAJO NATION

RCS# 452

Naa'bik'iyati Committee

6/23/2016

04:26:11 PM

Amd# to Amd#

Legislation No. 0164-16

PASSED

MOT Smith

Requesting a Memorandum of

SEC Damon

Agreement between the U.S.

Public Health Services & BIA

**Yea : 14**

**Nay : 0**

**Not Voting : 10**

**Yea : 14**

Begay, K  
BeGaye, N  
Bennett  
Chee

Damon  
Daniels  
Filfred  
Hale

Phelps  
Slim  
Smith

Tso  
Tsosie  
Witherspoon

**Nay : 0**

**Not Voting : 10**

Bates  
Begay, NM  
Brown

Crotty  
Jack  
Perry

Pete  
Shepherd

Vacant  
Yazzie

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0164-16

**DATE:** April 8, 2016

**TITLE OF RESOLUTION:** AN ACTION RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN SERVICES; NAABIK'ÍYÁTI' COMMITTEES REQUESTING A MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES PUBLIC HEALTH SERVICES AND THE BUREAU OF INDIAN AFFAIRS TO ASSIGN A COMMISSIONED CORPS OFFICER TO THE NAVAJO NATION CORRECTIONAL FACILITIES TO PROVIDE HEALTHCARE TO THOSE INCARCERATED

**PURPOSE:** This resolution if approved is a request for a Commissioned Corps Officer to be assigned by the United States Public Health Services in order to provide healthcare services within the Navajo Nation correctional facilities.

**This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed legislation in detail.**

**REQUESTING A MEMORANDUM OF AGREEMENT BETWEEN U.S. PUBLIC  
HEALTH SERVICE AND BUREAU OF INDIAN AFFAIRS TO ASSIGN  
COMMISSIONED CORPS OFFICERS IN TRIBAL CORRECTIONAL FACILITIES TO  
PROVIDE HEALTHCARE**

**WHEREAS:**

1. The U.S. Supreme Court has determined that correctional facilities are required to provide health care services to inmates in accordance with the Eighth Amendment of the Constitution, *Estelle, et. v. Gamble*, 429 U.S. 97 (1976), *Brown, et al. v. Plata*, 131 S.Ct. 1910 (2011); and
2. Since 2009, the U.S. Department of Justice and Bureau of Indian Affairs has invested in modernizing jails throughout Indian Country, constructing new facilities built to modern standards that are designed to accommodate large inmate populations; and
3. These new Tribal Correctional facilities have greatly expanded populations but operate without licensed medical personnel to provide Correctional Health Care services; and
4. The Bureau of Indian Affairs, which operates or contracts with tribes to operate Correctional facilities on Indian reservations, does not have a Correctional Health Care budget; and
5. The Indian Health Service, which similarly operates or contracts with tribes and tribal organizations to operate Tribal Health Care facilities, also has no Correctional Health Care budget; and
6. Tribes are generally unable to provide funds needed to support medical staff inside Correctional facilities because federal law prohibits tribal governments from imposing property taxes, which is the revenue generation mechanism that local governments off-reservation use to fund correctional healthcare; and
7. Tribal jails built since 2009 have already experienced outbreaks of tuberculosis and other communicable diseases because they have no funding for medical staff; and
8. Inmates suffer higher incidence of chronic disease and traumatic injury than the non-incarcerated population; and
9. Tribal inmates are Indian Health Service beneficiaries entitled to health care services; and

10. Tribal Health Care facilities do not have the resources to staff tribal correctional facilities; and
11. Tribal Correctional facilities are Federal facilities that house federal trustees whom are all Indian Health Service beneficiaries; and
12. The Public Health Service Commissioned Corps serves under served and vulnerable populations that include the Indian Health Service through Memorandums of Agreement.

**NOW THEREFORE BE IT FINALLY RESOLVED**

Request a Memorandum of Agreement between U.S. Public Health Service and Bureau of Indian Affairs.

That pursuant to (appropriate tribal authority), the \_\_\_\_\_ tribe requests that the Bureau of Indian Affairs ask for a Memorandum of Agreement with the U.S. Public Health Service to assign Commissioned Corps officers in Tribal Correctional facilities to provide health care services.

**CERTIFICATION**

We, hereby, verify that the foregoing resolution was duly considered at a duly called meeting of the \_\_\_\_\_ Tribal Council meeting at \_\_\_\_\_ at which a quorum was present and that the same was passed by a vote of \_\_\_ in favor, \_\_\_ opposed, and \_\_\_ abstained, on this \_\_\_\_\_ day of \_\_\_\_\_.





# COMMISSIONED CORPS OF THE U.S. PUBLIC HEALTH SERVICE

The Commissioned Corps of the U.S. Public Health Service is an elite team of over 5,500

**HIGHLY QUALIFIED  
HEALTH  
PROFESSIONALS**



## UNIFORMED OFFICERS

Uniformed officers in the Commissioned Corps include nurses, dentists, pharmacists, health service officers, environmental health officers, veterinarians, and scientists.

## MISSION

Protect, Promote, and Advance the Health of the Nation

## CORE VALUES

Leadership in Service  
Integrity Excellence



## SERVICE

With duty stations in over 30 federal departments or agencies, the Commissioned Corps provides officers the ability to pursue an exciting and fulfilling career.

Officers deploy nationally in support of public health responses to man-made and natural disasters.

## MULTIPLE PROFESSIONS



Physicians



Dentists



Nurses



Therapists



Pharmacists



Health Services



Environmental Health



Dietitians



Engineers



Veterinarians



Scientists

## IMPROVING PUBLIC HEALTH

Commissioned Corps officers are deployed to support public health efforts in a variety of settings, including federal, state, and local health departments, and in a variety of roles, including epidemiology, surveillance, and health communication.



For more information visit [www.usphs.gov](http://www.usphs.gov) or call 1-800-279-1605.



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Commissioned Corps of the U.S. Public



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