

LEGISLATIVE SUMMARY SHEET

Tracking No. 0160-20

DATE: July 17, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY; REQUESTING CONGRESS TO EXTEND THE DEADLINE FOR NATIVE AMERICAN VETERANS TO FILE FOR U.S. VETERANS ADMINISTRATION DISABILITY CLAIMS AND CLAIMS AGAINST THE INDIAN HEALTH SERVICE FOR SUBSTANDARD MEDICAL CARE

PURPOSE: This bill will REQUESTING CONGRESS TO EXTEND THE DEADLINE FOR NATIVE AMERICAN VETERANS TO FILE FOR U.S. VETERANS ADMINISTRATION DISABILITY CLAIMS AND CLAIMS AGAINST THE INDIAN HEALTH SERVICE FOR SUBSTANDARD MEDICAL CARE

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.

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – Second Year, 2020

INTRODUCED BY


(Prime Sponsor)TRACKING NO. 0160-20

AN ACTION

RELATING TO AN EMERGENCY; REQUESTING CONGRESS TO EXTEND THE
DEADLINE FOR NATIVE AMERICAN VETERANS TO FILE FOR U.S.
VETERANS ADMINISTRATION DISABILITY CLAIMS AND CLAIMS AGAINST
THE INDIAN HEALTH SERVICE FOR SUBSTANDARD MEDICAL CARE

WHEREAS:

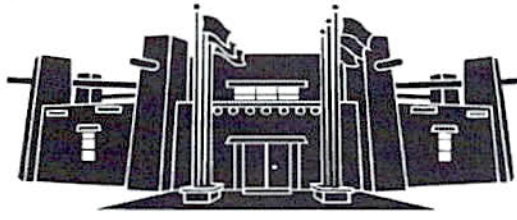
- A. The Navajo Nation Council enacts laws, amends laws, and adopts statements of policy. 2 N.N.C. § 164 (A)(4)
- B. Pursuant to 2 N.N.C. §164 (A)(16) “[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council.” The federal government provides essential health care to veterans, and a bill is currently pending before Congress concerning such care.
- C. The Navajo Nation maintains a government-to-government relationship with the United States of America, Treaty of 1868, Aug. 12, 1868, 15 Stat 667
- D. Congress provides Veteran’s Health Care to Veterans through the Veteran’s Administration.

- 1 E. Congress proposes to extend the deadlines for filing for VA benefits and disability
2 claims against the Veteran's Administration in H.R. 6800, the HEROES Act passed
3 by the House of Representatives on May 15, 2020.
- 4 F. Native Americans serve in the armed forces at the highest per capita rates of any
5 group in the United States.
- 6 G. Many Navajo and Native American Veterans with disabilities have difficulty getting
7 the health care that they were promised through the Veteran's Administration, Native
8 American Veterans often are not listened to by VA doctors, and face long wait times
9 for appointments and VA health services; *see*, KTAR News January 19, 2020:
10 "Native American veterans struggling to get health care they were promised."
- 11 H. Many Navajo and Native American Veterans must go to the Indian Health Service for
12 medical services because they cannot get health services at the VA.
- 13 I. The National COVID-19 Pandemic Public Health Emergency has required a stay
14 home, stay safe policy, limiting the access of Native American Veterans to medical
15 care and other services, and Native American Veterans may have been subjected to
16 inadequate or negligent medical care by the Indian Health Service and face deadlines
17 for claims and complaints arising therefrom.

18
19 **NOW THEREFORE BE IT RESOLVED THAT:**

- 20 A. The Navajo Nation urges Congress to extend the deadline for Native American
21 Veterans to file claims or appeals for VA benefits and disability claims during the
22 National COVID-19 Pandemic Public Health Emergency and for 90 days thereafter in
23 the Urban Indian Health Care Providers Act, the HEROES Act, or other appropriate
24 legislative vehicle.
- 25 B. The Navajo Nation urges Congress to extend the deadline for Native Americans
26 Veterans to file claims or appeals against the Indian Health Service for substandard
27 medical care during the the National COVID-19 Pandemic Public Health Emergency
28 and for 90 days thereafter in the Urban Indian Health Care Providers Act, the
29 HEROES Act, or other appropriate legislative vehicle.
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MEMORANDUM

To : Hon. Seth Damon, Speaker
Navajo Nation Council

Hon. Pernell Halona, Delegate
Navajo Nation Council

From : _____
Ron Haven, Attorney
Office of Legislative Counsel

Date : July 17, 2020

Re : REQUESTING CONGRESS TO EXTEND THE DEADLINE FOR NATIVE AMERICAN VETERANS TO FILE FOR U.S. VETERANS ADMINISTRATION DISABILITY CLAIMS AND CLAIMS AGAINST THE INDIAN HEALTH SERVICE FOR SUBSTANDARD MEDICAL CARE

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient, although, as with all legislation, challenges are possible in the courts. You are advised and encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. As you may be aware, the Speaker is authorized to refer this proposed resolution to other committees than those stated in the title.

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.

OLC # 20-244-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0160-20__

SPONSOR: Seth Damon

**TITLE: An Action Relating To An Emergency; Requesting Congress To Extend
The Deadline For Native American Veterans To File For U.S. Veterans
Administration Disability Claims And Claims Against The Indian Health Service
For Substandard Medical Care**

Date posted: July 17, 2020 at 2:22 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0160-20

SPONSOR: Honorable Seth Damon

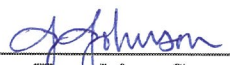
TITLE: An Action Relating To An Emergency; Requesting Congress To Extend The Deadline For Native American Veterans To File For U.S. Veterans Administration Disability Claims And Claims Against The Indian Health Service For Substandard Medical Care

Posted: July 17, 2020 at 2:22 PM

5 DAY Comment Period Ended: Not Subject to the 5-Day Comment Period

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	1) Paul J. George, Tse'Daa Kaan CVO



Legislative Tracking Secretary
Office of Legislative Services

07/22/20 1:51pm

Date/Time

Paul J. George <pjgeorge@citlink.net>

Tue 7/21/2020 1:23 AM

To: comments <comments@navajo-nsn.gov>;

VETERANS' BENEFIT CLAIMS

1. Navajo Nation Veterans Act of 2016.

On February 13, 2016 the Navajo Nation Council unanimously enacted Navajo Nation Veterans Act. The Navajo Veterans Act provides the Navajo veterans an opportunity to enhance veterans outreach services, claim benefits and other earned veteran's benefits.

2. Veterans' Benefit Claims: U.S. Code of Federal Regulation, Title 38, Part 14.638

- a. On March 21, 2016, then Navajo Nation President, Russell Begaye, tended a support letter (VA Tribal Consultation) of amending U.S. Code of Federal Regulation, Title 38, Part 14.638; Recognition of Federal Benefit Claim, to recognize the Native veterans' participation in federal veterans' benefit claims.
- b. On March 21, 2017 U.S. Veterans Administration amended its regulations consistent with the approve the requirements to assistance American Indian and Alaska Native Veterans Claimants with their VA benefits, and alternatively, to allow Tribal government employees to pursue accreditation through existing State organization. Subsequently, the State Department Of Veterans Services in Four Corners Region agreed to designate Arizona Department of Veterans Services to provide training for Tribal Veterans Services personnel on veterans' claims benefit. In that, Navajo Veterans Service Officers (VSO) received training and certified to file the claims for veterans on the Navajo Nation.

The Navajo Nation (Veterans Administration) is in the proper position to administrate, promote and advocate for the U.S. Veterans' services and benefits. Since Navajo Nation (Navajo Veterans Administration) is recognized organization, that authorizes the preparation, presentation and prosecution of the Federal Veterans' Benefit claims, is part of U.S. Code of Federal Regulation, Title 38, Part 14.638.

Problem

In the last couple years, Navajo Veterans Administration (NVA) have neglected to maintain VSO training and maintain trained VSO employed. There are approximately 27,000 (estimated) Navajo veterans in vast Navajo Nation land. The state Department of Veterans Services (DVS) in Four Corners Region (AZ, NM, UT) employed one (1) VSO per county, but the locate Veterans Organizations (VFW, American Legion, American Veterans of Foreign War, ANVET, etc.) have trained VSOs within their organization that assistance veterans to file Veteran's Benefit Claims.

VETERANS HEALTH CARE

Memorandum of Understanding (MOU) between U.S. Veterans Administration (VA) and Indian Health Services (IHS) was done without consultation with the Navajo Nation Government. It definitely need to be re-evaluate to correct the deficient health care for the Navajo veterans. Indian Health Service approached VA to allow IHS to provide health care services for Native American Veterans (Navajo Veterans) on fee for service base. In that, when IHS providers treat a Navajo veteran, IHS filed a claim to VA for the service. All fund collected from VA goes into IHS Service Unit miscellaneous accounts. Some Native American (Navajo) Veterans acquaint lifelong health problem from military operations, and other veterans acquaint latent health problems related to military service, such as agent orange. IHS is a public health service operation that provide varieties of health care services, which overlook the veteran's health care needs. It is especially a problem with the elderly veterans who have limited English language to describe their physical and/or psychological health problem. IHS does not refer a Navajo Veterans patient to VA Medical Center for the needed specialty health care services.

BUILDING NAVAJO VETERANS ADMINISTRATION AND ORGANIZATION

The Navajo Nation have administrated veterans services close to 30 years (1971) – that's a blink of an eye to some, and yet it's a long time when you consider that the vast majority of Navajo Veterans population are aging without receiving their rightful earned U.S. Veterans' benefits and services. The Navajo Nation must build the Veterans Services with longevity in

mind, from policies and organization structural that can withstand weather and time. We are currently going through some changes in how we organize ourselves, and as well as how these changes may impact our future. Building an organization that will stand the test of time is culture and people.

First, the culture – a healthy workplace culture acts as a foundation on which strong organizations are built. Navajo cultures, whether they're good or bad, had solidified over time. An organization with healthy cultures will be able to weather whatever challenges come their way.

Second, the people - closely tied to the culture. The people in organization help define our culture – they are the individual that make up our organization's culture. Therefore, as we go through leadership transitions, and when we bring new people into the organization, it is vital to pay close attention to how and who we hire. In doing so, we work to solidify our foundation for the future.

I am confident that by focusing on these two things, our future will be bright!

Paul J. George
Tse' Daa Kaan CVO

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WARNING: External email. Please verify sender before opening attachments or clicking on links.

24th NAVAJO NATION COUNCIL

ACTION REPORT

Second Year 2020

The **NAVAJO NATION COUNCIL** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0160-20

An Action Relating to an Emergency; Requesting Congress to Extend the Deadline for Native American Veterans to File for U.S. Veterans Administration Disability Claims and Claims Against the Indian Health Service for Substandard Medical Care

Sponsored by: Honorable Seth Damon

Co-Sponsored by: Honorable Kee Allen Begay, Jr.

Co-Sponsored by: Honorable Pernell Halona

Has had it under consideration and reports the same that the legislation **WAS REFERRED TO THE NAABIK'ÍYÁTI' COMMITTEE.**

Respectfully Submitted,



Honorable Seth Damon, Speaker
24th NAVAJO NATION COUNCIL

22 JULY 2020

REFERRAL MOTION

Motion to Refer Legislation 0160-20 to the Naabik'íyáti' Committee.

Motioned by: Honorable Rickie Nez

Seconded by: Honorable Eugenia Charles-Newton

Vote: 13 in Favor, 09 Opposed (Speaker Damon Not Voting)

MAIN MOTION

Motioned by: Honorable Rickie Nez

Seconded by: Honorable Eugene Tso

Vote: VOTE PENDING

-----*FAILED MOTION(S)*-----

TABLING MOTION

Motion to Table Legislation 0144-20 Until the Next Navajo Nation Council Session

Motioned by: Honorable Raymond Smith, Jr.

Seconded by: Honorable Jimmy Yellowhair

Vote: 07 in Favor, 15 Opposed (Speaker Damon Not Voting)

NAVAJO NATION

396

Navajo Nation Council 2020 Summer Session

7/22/2020

06:31:18 PM

Amd# to Amd#

Table Legislation 0160-20

FAILED

MOT Smith

SEC Yellowhair

Yeas : 7

Nays : 15

Excused : 0

Not Voting : 1

Yea : 7

Begay, E
Charles-Newton

James, V
Smith

Tso, D
Tso, E

Yazzie

Nay : 15

Begay, K
Begay, P
Brown
Crotty

Daniels
Freeland, M
Halona, P
Henio, J

Nez, R
Slater, C
Stewart, W
Tso

Walker, T
Wauneka, E
Yellowhair

Excused : 0

Not Voting : 1

Tso, C

Presiding Speaker: Damon

NAVAJO NATION

397

Navajo Nation Council 2020 Summer Session

7/22/2020

07:45:24 PM

Amd# to Amd#

Refer back to Naabik'iyati'

PASSED

MOT Nez, R

Committee - Legislation 0160-20

SEC Charles-Newton

Yeas : 13

Nays : 9

Excused : 0

Not Voting : 1

Yea : 13

Begay, E

Crotty

Smith

Tso, E

Begay, P

Nez, R

Tso, C

Walker, T

Brown

Slater, C

Tso, D

Yellowhair

Charles-Newton

Nay : 9

Begay, K

Halona, P

James, V

Tso

Daniels

Henio, J

Stewart, W

Yazzie

Freeland, M

Excused : 0

Not Voting : 1

Wauneka, E

Presiding Speaker: Damon