

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:

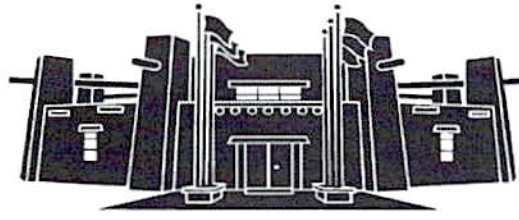
- A. The Navajo Nation Council enacts laws, amends laws, and adopts statements of policy. 2 N.N.C. § 164 (A)(4)
- B. Pursuant to 2 N.N.C. §164 (A)(16) “[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services 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.

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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.*