

LEGISLATIVE SUMMARY SHEET

Tracking No. 0284-18

DATE: August 20, 2018

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE SUPPORTING H.R. 5128 TITLED "TRIBAL URANIUM EXPOSURE TREATMENT ENHANCEMENT ACT OF 2018"

PURPOSE: The purpose of this resolution is to support H.R. 5128 titled "Tribal Uranium Exposure Treatment Enhancement Act of 2018."

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.

3-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 4:00pm 8/28/18
Posting End Date: 8/28/2018
Eligible for Action: 8/29/2018

PROPOSED STANDING COMMITTEE RESOLUTION
23rd NAVAJO NATION COUNCIL—FOURTH YEAR, 2018

INTRODUCED BY



Primary Sponsor



TRACKING NO. 0286-18

AN ACTION
RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES
COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE SUPPORTING H.R. 5128
TITLED "TRIBAL URANIUM EXPOSURE TREATMENT ENHANCEMENT
ACT OF 2018"

WHEREAS:

- A. The Navajo Nation established the Health, Education and Human Services Committee ("HEHSC") as a Navajo Nation Council standing committee and as such empowered HEHSC with oversight of health on the Navajo Nation and authority to review and recommend resolutions to the Naabik'iyáti' Committee and Navajo Nation Council to accomplish or impact the Committee purpose. See 2 N.N.C. §§ 164 (A)(9), 400 (A), 401 (B)(6)(a) (2015); *See also* CO-45-12.
- B. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation Council standing committee and as such empowered Naabik'iyáti' Committee to coordinate with all committees, Chapters, branches and entities concerned with all Navajo appearances and testimony before Congressional committees, and departments of the United States government. *See* 2 N.N.C. §§ 164 (A)(9), 700 (A), 701 (A)(8) (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.

- 1 D. There are approximately 523 abandoned uranium mines located on the Navajo
2 Nation. *See Exhibit A.*
- 3 E. Abandoned uranium mines expose Navajo people to radioactive and carcinogenic
4 matter and affect water sources, air quality, soil, and livestock. *Id.*
- 5 F. The federal government has taken initial steps to rectify the negative effects of
6 uranium extraction on the Navajo Nation by passing the Radiation Exposure
7 Compensation Act (“RECA”) which provided compensation to individuals who
8 contracted cancer following occupational exposure to uranium during the Cold War.
9 *Id.*
- 10 G. The federal government has also agreed to cleanup 94 abandoned uranium mines on
11 the Navajo Nation. *Id.*
- 12 H. Currently, there are no cancer treatment facilities on the Navajo Nation to provide
13 services to Navajo people that have developed cancer due to exposure to radioactive
14 and carcinogenic matter from abandoned uranium mines. Navajo people must travel
15 off the reservation to seek cancer treatment. *See Exhibit B.*
- 16 I. On February 27, 2018, Arizona Congressman Tom O’Halloran and New Mexico
17 Congresswoman Michelle Lujan Grisham introduced H.R. 5128 titled “Tribal
18 Uranium Exposure Treatment Enhancement Act of 2018” to the United States House
19 of Representatives. *See H.R. 5128 attached as Exhibit C.*
- 20 J. The Navajo Nation supports H.R. 5128 for the following reasons:
- 21 1. The Act will authorize the Secretary of Agriculture to award grants to tribal
22 health programs located on Indian reservations impacted by uranium mining
23 or milling for the purpose of providing cancer treatment.
- 24 2. The Act authorizes \$10,000,000.00 to be appropriated for fiscal years 2018
25 through 2022 in order to provide cancer treatment as described in the Act.

26
27 **THEREFORE, BE IT RESOLVED:**

- 28 A. The Navajo Nation hereby supports H.R. 5128 titled “Tribal Uranium Exposure
29 Treatment Enhancement Act of 2018” as the Act will authorize the Secretary of
30 Agriculture to award grants to tribal health programs located on Indian reservations

1 impacted by uranium mining or milling for the purpose of providing cancer treatment
2 and for the reasons stated herein.

- 3 B. The Navajo Nation hereby authorizes the President of the Navajo Nation, the Navajo
4 Nation Washington Office, the Speaker of the Navajo Nation Council and their
5 designees, to advocate the Navajo Nation's support of H.R. 5128 titled "Tribal
6 Uranium Exposure Treatment Enhancement Act of 2018" and to advocate for its
7 passage and swift implementation.

Legislative Proposal to Make Cancer Care Available on the Navajo Nation

Background

Navajo people continue to pay a high price for helping the United States win both World War II and the Cold War. Left in the wake of the the federal government's atomic stampede, 523 Abandoned Uranium Mines (AUMs) now litter the reservation. These AUMs subject Navajos to multiple radioactive and carcinogenic exposure pathways.

Exposure pathways include air, water and soil. Navajo people inhale radioactive dust, drink radioactive water, and eat the meat of animals who eat the plants that grow in radioactive soil. Navajos even live and work in structures built from radioactive waste rock.¹

The federal government's radioactive legacy persists in the 523 AUMs:

- 518 are within one mile of a perennial or intermittent surface water source;
- 409 have gamma radiation levels more than twice the background level;
- 266 have gamma radiation levels ten-times above background;
- 198 are within 200 feet of a structure;
- 58 are within a quarter mile of a livestock or human drinking water well;
- 38 have gamma radiation levels two-times above background and are within a quarter mile of a residence; and
- 17 are within 200 feet of an occupied residence.

"[H]ealth effects as a result of exposure to these elements can include lung cancer, bone cancer, and impaired kidney function."²

Federal Response

The federal government has taken two steps needed to fully and fairly address radiological contamination of the Navajo people and their land:

In 1990 the Radiation Exposure Compensation Act (RECA) was passed into law for, "compensation to individuals who contracted certain cancers ... following their occupational exposure to radiation while employed in the uranium industry during the build-up to the Cold War."³ In 2000, Congress amended RECA to cover more Navajo workers.⁴

The Department of Justice and USEPA agreed to cleanup 94 of the worst abandoned uranium mines on the Navajo Nation because of the health and environment risks associated with radioactive contamination.⁵

A third and final step that the federal government needs to take to complete responsibility is to establish a cancer center on the Navajo Nation because the Indian Health Service does not provide cancer treatment on any Indian reservation.

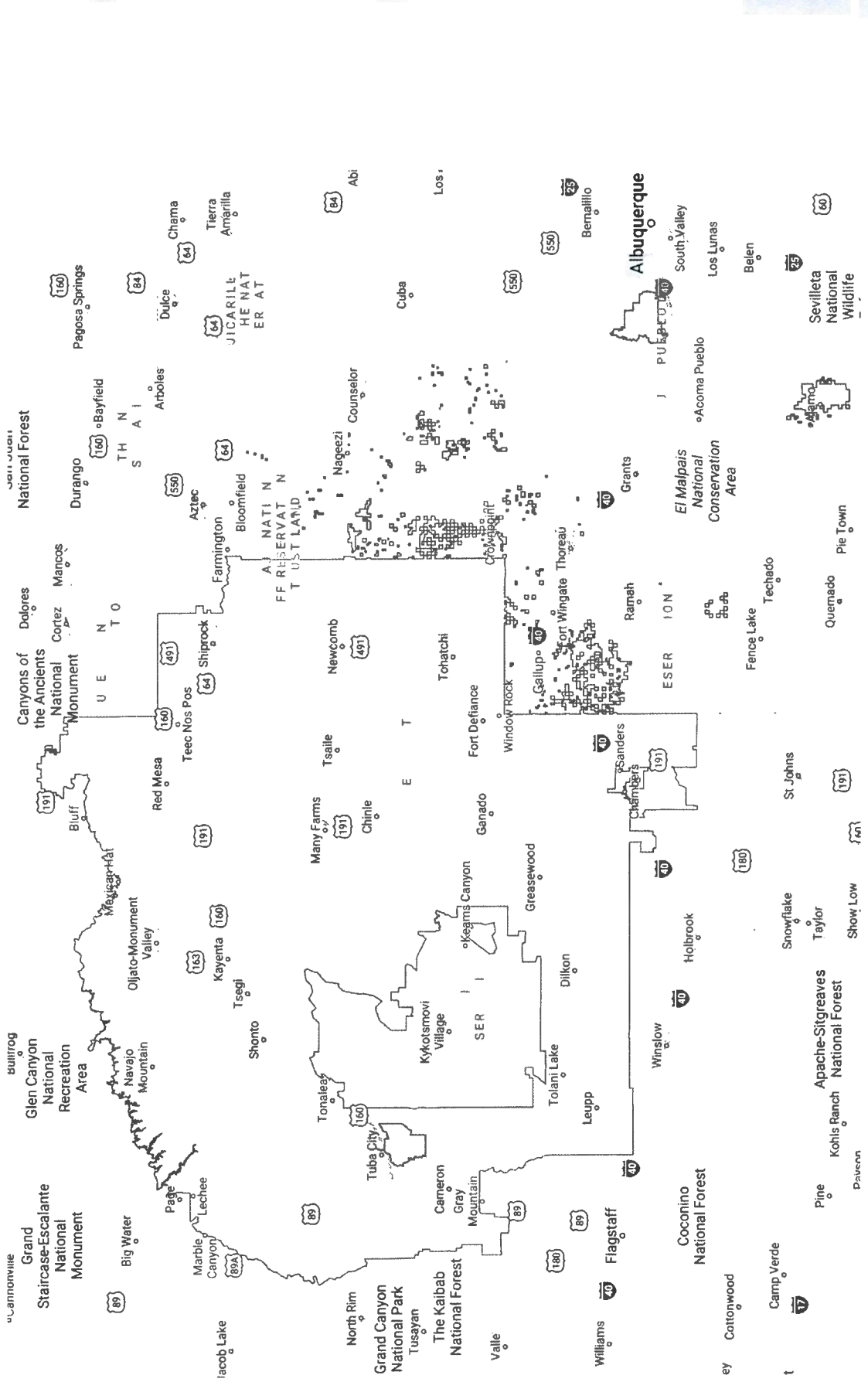
¹ Ram, N. M., Moore, C. and McTiernan, L. (2016), Cleanup Options for Navajo Abandoned Uranium Mines. *Remediation*, 26: 131–148. doi:10.1002/rem.21473 at 133.

² Ibid.

³ Public Law 101-426.

⁴ Public Law 106-245.

⁵ <https://www.epa.gov/newsreleases/justice-department-epa-and-navajo-nation-announce-settlement-cleanup-94-abandoned>



One Way Distances Patients on the Navajo & Hopi Reservations Must Travel to Flagstaff, Arizona for Cancer Care

Washington DC
0 miles

New York City
205 miles

193 miles

191 miles

150 miles

127 miles

Red Mesa, AZ

Mexican Hat, UT

Fort Defiance, AZ

Kayenta, AZ

Shonto, AZ

Flagstaff, AZ





I

115TH CONGRESS
2D SESSION

H. R. 5128

To authorize the Secretary of Agriculture to award grants to tribal health programs located on reservations impacted by uranium mining or milling, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2018

Mr. O'HALLERAN (for himself and Ms. MICHELLE LUJAN GRISHAM of New Mexico) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To authorize the Secretary of Agriculture to award grants to tribal health programs located on reservations impacted by uranium mining or milling, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Tribal Uranium Expo-
5 sure Treatment Enhancement Act of 2018".

1 SEC. 2. GRANTS TO TRIBAL HEALTH PROGRAMS ON RES-
2 ERVATIONS IMPACTED BY URANIUM MINING
3 OR MILLING.

4 Section 306(a) of the Agricultural Act of 1961 (7
5 U.S.C. 1926(a)) is amended by adding at the end the fol-
6 lowing new paragraph:

7 “(27) GRANTS TO TRIBAL HEALTH PROGRAMS
8 ON RESERVATIONS IMPACTED BY URANIUM MINING
9 OR MILLING.—

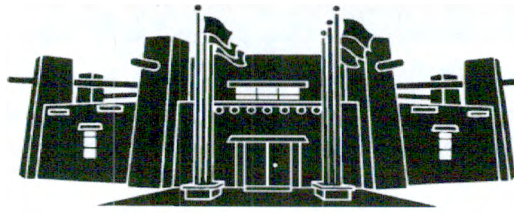
10 “(A) IN GENERAL.—The Secretary may
11 award grants to tribal health programs located
12 on reservations where uranium mining or mill-
13 ing occurred for purposes of providing cancer
14 treatment to Indians who reside on such res-
15 ervations and whose health was impacted by
16 such mining or milling.

17 “(B) AMOUNT AND CONDITIONS.—The
18 Secretary may award grants under subpara-
19 graph (A) in such amounts and subject to such
20 conditions as the Secretary determines appro-
21 priate.

22 “(C) DEFINITIONS.—In this paragraph,
23 the terms ‘Indian’, ‘reservation’, and ‘tribal
24 health program’ have the meanings given those
25 terms in section 4 of the Indian Health Care
26 Improvement Act (25 U.S.C. 1603).


1 “(D) AUTHORIZATION OF APPROPRIA-
2 TIONS.—For purposes of carrying out this
3 paragraph, there is authorized to be appro-
4 priated \$10,000,000 for each of fiscal years
5 2018 through 2022.”.

○



MEMORANDUM

TO: Honorable Walter Phelps
23rd Navajo Nation Council Delegate

FROM: 
Candace French, Attorney
Office of Legislative Counsel

DATE: August 20, 2018

RE: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE SUPPORTING H.R. 5128 TITLED "TRIBAL URANIUM EXPOSURE TREATMENT ENHANCEMENT ACT OF 2018"

Per your request, attached is the above-reference proposed resolution and associated legislative summary sheet. Based on existing law, the resolution drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of a challenge.

The Office of Legislative Counsel recommends the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601, and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration. 2 N.N.C. § 164(A)(5).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If you approve, please sign as "Primary Sponsor" and submit it to the Office of Legislative Services where the proposed resolution will be given a tracking number and referred to the Office of the Speaker. If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0286-18_

SPONSOR: Walter Phelps

**TITLE: An Action Relating To Health, Education and Human Services Committees
And NAABIK'IYATI' Committee Supporting H.R. 5128 Title "Tribal Uranium
Exposure Treatment Enhancement Act Of 2018"**

Date posted: August 23, 2018 at 4:11 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.: 0286-18

SPONSOR: Honorable Walter Phelps

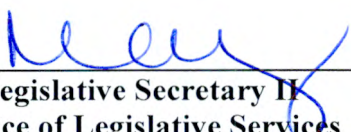
TITLE: An Action Relating To Health, Education and Human Services Committees And NAABIK'IYATI' Committee Supporting H.R. 5128 Title "Tribal Uranium Exposure Treatment Enhancement Act Of 2018"

Posted: August 23, 2018 at 4:11 PM

5 DAY Comment Period Ended: August 28, 2018

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>



**Legislative Secretary II
Office of Legislative Services**



Date/Time

Committee Report

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO
NATION COUNCIL to whom has been assigned;

LEGISLATION NO. 0286-18

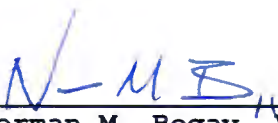
AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE AND
NAABIK'IYATI' COMMITTEE; SUPPORTING H.R. 5128 TITLED "TRIBAL URANIUM
EXPOSURE TREATMENT ENHANCEMENT ACT OF 2018"

(Note: Eligible For Committee Action August 29, 2018)

Sponsor: Honorable Walter Phelps;
Co-Sponsor: Honorable Jonathan L. Hale

Has had under consideration and report the same with the recommendation
that Legislation 0286-18 PASS with no Amendment and no Directive; and
therefore referred the same to the NAABIK'IYATI' COMMITTEE OF THE NAVAJO
NATION COUNCIL

Respectfully Submitted,



Norman M. Begay, Vice-Chairperson
Health, Education and Human Services Committee

September 10, 2018 - Main Motion

Motion by: Honorable Nelson BeGaye

Seconded by: Honorable Steven Begay

Vote: 3 in favor; 0 Opposed; Vice-Chairperson Not Voting

Yeas: Nelson BeGaye; Steven BeGay; Jonathan L. Hale

Nays: None

Absent (excused): Nathaniel Brown; Amber Kanazbah Crotty

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
Regular Meeting
September 10, 2018

Roll Call
Vote Tally Sheet


Legislation 0286-18 AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE AND NAABIK'IYATI' COMMITTEE; SUPPORTING H.R. 5128 TITLED "TRIBAL URANIUM EXPOSURE TREATMENT ENHANCEMENT ACT OF 2018"

(Note: Eligible for Committee Action August 29, 2018)


Sponsor: Honorable Walter Phelps
Co-Sponsor: Honorable Jonathan L. Hale

September 10, 2018 - Main Motion

Motion by: Honorable Nelson BeGaye
Seconded by: Honorable Steven Begay
Vote: 3 in favor; 0 Opposed; Vice-Chairperson Not Voting
Yeas: Nelson BeGaye; Steven BeGay; Jonathan L. Hale
Nays: None
Absent (excused): Nathaniel Brown; Amber Kanazbah Crotty



Norman M. Begay, Vice-Chairperson
Health, Education and Human Services Committee



Beverly Martinez, Legislative Advisor
Health, Education and Human Services Committee