LEGISLATIVE SUMMARY SHEET

Tracking No. <u>0322-18</u>

DATE:

September 27, 2018

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'ÍYÁTI' COMMITTEES; RESPECTFULLY REQUESTING THE UNITED STATES VETERAN AFFAIRS ADMINISTRATION TO ESTABLISH DIRECT SERVICES ON THE NAVAJO NATION FOR NAVAJO NATION VETERANS

PURPOSE: The purpose of this resolution is to requests the United States Department of Veterans Affairs to establish direct services on the Navajo Nation for Navajo veterans.

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.

Eligible for Actions

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Naa'bik'íyáti' Committee

PROPOSED STANDING COMMITTEE RESOLUTION

23RD NAVAJO NATION COUNCIL—FOURTH YEAR, 2018

INTRODUCED BY

XXX.

Primary Sponsor

TRACKING NO. <u>0322-18</u>

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'ÍYÁTI'
COMMITTEES; RESPECTFULLY REQUESTING THE UNITED STATES VETERAN
AFFAIRS ADMINISTRATION TO ESTABLISH DIRECT SERVICES ON THE NAVAJO
NATION FOR NAVAJO NATION VETERANS

WHEREAS:

- A. The Navajo Nation established the Health, Education and Human Services Committee (HEHS) as a Navajo Nation Council standing committee and as such empowered HEHS to review and recommend resolutions regarding veterans and/or veteran services. 2 N.N.C. §§ 164 (A)(9), 400 (A), 401 (B)(6)(a) (2012). 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 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.

- D. Historically, Native Americans served in the military at a higher rate than any other ethnic group. U.S. Gov't Accountability Office, Health Care Access: Improved Oversight, Accountability, and Prioritization Can Improve Access for Native American Veterans 1 (2014).
- E. Currently, there are over 128,000 living Native American veterans with approximately 10,000 from the Navajo Nation. *See* U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates: 2011-2015 American Community Survey American Indian and Alaska Native Tables.
- F. Native American veterans have provided invaluable service and allegiance to the United States of America and bring great honor to their tribal communities.
- G. Within the last 5 years, reports of excessive and sometimes deadly waiting times for veterans seeking government health care came to light and President Obama promised accountability. Scott Bronstein & Tom Cohen, *Obama: Shinseki stays for now, but VA misconduct will be punished*, CNN (May 23, 2014) *available at* www.cnn.com.
- H. In 2010, tribal leaders and representatives offered comments on the U.S. Department of Veteran Affairs (VA) and Indian Health Service (IHS) 2010 Memorandum of Understanding and other health related issues. One comment recorded showed that IHS understood the native culture, languages, and background; however, IHS did not understand the specific needs of Native veterans like the VA, i.e. post-traumatic stress disorder (PTSD) and traumatic brain injury (TBI). Department of Veterans Affairs: 2012 Tribal Consultation Report 11 (2012).
- I. There is currently no United States Veteran Affairs office or services on the Navajo Nation. This requires Navajo veterans to travel off reservation to seek veteran services. The Navajo Nation has established a Veterans Administration through appropriations from the Navajo Nation General Fund however; assistance through the Navajo Veterans Administration is limited to housing and financial assistance.
- J. It is in the best interest of the Navajo Nation to request the United States Department of Veterans Affairs to establish direct services on the Navajo Nation to meet the needs of the Navajo veterans.

- A. The Navajo Nation respectfully requests the United States Department of Veterans Affairs to establish direct services on the Navajo Nation for Navajo veterans.
- Speaker, Navajo Washington Office and their designees, to advocate for this request.



MEMORANDUM

TO:

Honorable Kee Allen Begay

23rd Navajo Nation Council Delegate

FROM:

Candace French, Attorney Office of Legislative Counsel

DATE:

September 27, 2018

RE:

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'İYÁTI' COMMITTEES; RESPECTFULLY REQUESTING THE UNITED STATES VETERAN AFFAIRS ADMINISTRATION TO ESTABLISH DIRECT SERVICES ON THE

NAVAJO NATION FOR NAVAJO NATION VETERANS

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: 0322-18 SPONSOR: Kee Allen Begav Jr.

TITLE: An Action Relating to Health, Education and Human Services and Naabik'íváti' Committees; Respectfully Requesting the United States Veteran Affairs Administration to Establish Direct Services on the Navaio Nation for Navaio Nation Veterans

Date posted: September 28, 2018 at 4:25pm

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) 871-7590

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.: <u>0322-18</u>

SPONSOR: Honorable Kee Allen Begay Jr.

TITLE: An Action Relating to Health, Education and Human Services and Naabik'íyáti' Committees; Respectfully Requesting the United States Veteran Affairs Administration to Establish Direct Services on the Navajo Nation for Navajo Nation Veterans

Posted: September 28, 2018 at 4:25pm

5 DAY Comment Period Ended: October 3, 2018

Digital Comments received:

Comments Supporting (2)	 Kee Allen Begay Jr., Delegate; 23rd Navajo Nation Council Vern Lee
Comments Opposing	None
Inconclusive Comments	None

Legislative Secretary Office of Legislative Services



MEMORANDUM

TO: Lorenzo Bates, Speaker

23rd Navajo Nation Council

FROM: Kee Allen Begay Jr., Delegate

23rd Navajo Nation Council

DATE: September 22, 2018

SUBJECT: DIRECT VETERANS SERVICE - U.S. DEPARTMENT OF VETERANS ADMINISTRATION

The Navajo Nation has over 10,000 Veterans and some of our Navajo continues to serve in the U.S. Armed Force. With the growth of the Navajo Nation, I'm certain that more Navajo will decide to serve in the military.

The Navajo Nation has its own Veterans Administration but fully funded by the general fund that is funded through annual funding allocation. There is also a Veterans Trust Fund established for the benefit of our Navajo Veterans but only as limited financial assistant.

Our Navajo Veterans continue to have Health problem with no VA Hospital on the Nation. Our Navajo Veterans also has limited or no direct service to all the Benefits that are available within the U.S. Department of Veterans Affair. Further, Housing, Education, Treatment for PTSD and other issues continue to be of limited availability for our Navajo Veterans.

I wrote a letter to the Arizona Governor and Phoenix V.A. Regional Office back in April 22, 2018 requesting for their input and recommendation regarding the Improving Direct Veterans Service for Navajo Veterans. There was a response, but the letter was only channel to the Arizona Department of Veterans Service.

For this reason, I'm requesting for a legislation Requesting the U.S. Department of Veterans Administration, U.S. Congress and the White House to initiate discussing of establishing a Regional Veterans Administration on the Navajo Nation and that all benefits will be available for access to our Navajo Veterans; Health Administration and Benefit Administration.

Appreciate developing the legislation as soon as possible. Thank you.

CC: HESE CHAIR, NAVAJO VA DIRECTOR, NVAC MEMBERS AND OPVP



Doug Ducey, Governor State of Arizona April 22, 2018

Wanda Wright, Director
Arizona Department of Veterans Service

Christopher Norton, Director Phoenix V.A. Regional Office

RE: IMPROVING DIRECT VETERANS SERVICE FOR NAVAJO VETERANS

Dear Governor Doug Ducey and Veterans Administration Leadership

The Navajo Nation has several thousand Veterans who have served Honorably and more continue to serve our great Military Armed Force. Some have paid the ultimate sacrificed. Further, I'm most proud to say is that we continue to honor our Navajo Code Talkers.

The Navajo Nation Government has its' own Veterans Administration to support and assist Navajo Veterans through several funds established for them. The established funds are from the Navajo Nation General fund and nothing directly from the State or Federal Government. These funds currently are afforded for temporary assistant and establishing homes.

The Navajo Nation, the State of Arizona and the Federal Government need to continue to improve direct service for our Veterans especially for those living in the rural area whom don't have access to technology to access the benefits available for them. The U.S. Veterans Administration do provide plenty of benefits, but accessibility is lacking for majority of our Navajo Veterans especially those prior conflict Veterans not able to read and/or write.

On behalf of the Navajo Veterans and in constructive cooperation, I'm requesting for a Leadership meeting how The Navajo Nation, the State of Arizona and the Federal Government could improve and establish a direct service operation on the Navajo Nation with several positions funded by the State and the Federal Government.

Through this effort, we all can serve our Veterans with all benefits available including but not limited to; Claims, Compensation, Housing, Education, Health, Employment and others that our Veterans are entitled to for their service. Requesting for cooperation and coordination regarding the Leadership meeting. Thank you!

Kee Allen Begay Jr., Delegate 23rd Navajo Nation Council

cc: Navajo OPVP, HESE Committee, AZ Gov. Staff, Dist. 7 Legislatures, Navajo Veterans Advisory Committee & DC Veteran Administration

0322-18

Vern Lee <vernrlee@gmail.com>

Tue 10/2/2018 8:22 PM

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

cc:Wallace Charley <wallacecharley88@yahoo.com>; Andersen Tullie <andersen682@gmail.com>; Candice Pioche-Zunie <piochezunie@gmail.com>; olin kieyoomia <okieyoomia@yahoo.com>; Inann G. Johns <inann.g.johns@gmail.com>; Gilbert Chee <gilbertchee.gc@gmail.com>; George Tolth <georgetolth@gmail.com>;

Shi Natanii,

I believe the Federal Veterans Administration direct funds the states, when as a

Sovereign nation with the most by demographic people serving in the Armed Forces should be receiving direct services and funding. Example; San Juan County in Aztec, NM monument list the names of soldiers that sacrifice all. There are 11 names and 6 of those are Navajos. Therefore, I believe the Navajo Veterans Advisory Council become Commission with authority to spearhead and advocate for this right. I fully support this legislation.

Sent from Mail for Windows 10

THE NAVAJO NATION LEGISLATIVE BRANCH INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0322-18

SPONSOR: Honorable Kee Allen Begay Jr.

TITLE: An Action Relating to Health, Education and Human Services and Naabik'íyáti' Committees; Respectfully Requesting the United States Veteran Affairs Administration to Establish Direct Services on the Navajo Nation for Navajo Nation Veterans

Posted: September 28, 2018 at 4:25pm

5 DAY Comment Period Ended: October 3, 2018

Digital Comments received:

Comments Supporting (2)	 Resolution Shiprock Chapter Veterans Organization Navajo Veterans Advisory Council Resolution No. NNVAC-10-18
Comments Opposing	None .
Inconclusive Comments	None

Legislative Secretary II
Office of Legislative Services

Date/Time

10/32/2018

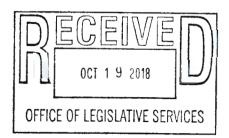
Resolution of the Shiprock Chapter Veterans Organization

SUPPORTING Legislation 0322-18, requesting of the United States Veteran Affairs Administration to establish direct Services on the Navajo Nation for Navajo Veterans.

WHEREAS:

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- 1. The Shiprock Chapter Veterans Organization (SCVO) of the Shiprock Chapter acts on this Resolution pursuant to the authority conferred to the SCVO through the Navajo Nation Code, Title 26, Chapter 1. B Purpose which states "Through adoption of this Act, the Navajo Nation Council delegates to the Chapter governmental authority with the respect to local matters consistent with Navajo Law, and
- 2. The Shiprock Chapter confers upon the Shiprock Chapter Veterans Organization(SCVO), here through the adoption of "Establishment of the Shiprock Chapter Veterans Organization", Resolution 09-18-11-084-SHIP, that the SCVO will be committed to endorsing and supporting causes to remedy and address the many needs of the Navajo Veterans; and
- 3. The Shiprock Chapter Veterans Organization have met and endorses Legislation 0322-18; and



NOW, THEREFORE BE IT RESOLVED THAT:

The Shiprock Chapter Veterans Organization (SCVO) membership hereby support and recommend to the United States Veterans Administration to establish direct services to the Navajo Veteran on the Navajo Nation.

Motion by Jerry Todacheene

2nd to the Motion by Harlin Benally

CERTIFICATION

We, the undersigned hereby certify that the foregoing resolution was duly considered at a duly called Shiprock Chapter Veterans Organization meeting, at which a quorum was present and that the same was approved by a vote of 48 in favor, 0 opposed, and 1 abstention, on this 9th day of October, 2018.

Lloyd Begaye, SCVO Commander

Lester Light, SCMO Vice-Commander



NAVAJO VETERANS ADVISORY COUNCIL

Chair: Candice Pioche-Zunie VICE CHAIR: Gilbert Chee ACTING DIRECTOR: Ryan Sandoval

Resolution

An ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'IYATI' COMMITTEE; RESPECTFULLY REQUESTING THE UNITED STATES VETERANS AFFAIRS ADMINISTRATION TO ESTABLISH DIRECT SERVICES ON THE NAVAJO NATION VETERANS

NNVAC-10-18

WHEREAS:

- 1. Pursuant to Resolution of the Navajo Nation Council CJA-3-16, Navajo nation Veterans Act; Title II, Section One (E, I, M, N, O, R, T); SS 1032 (B-5,9,10), The Navajo Nation Veterans Advisory Council is duly recognized by the Navajo Nation; and
- 2. Pursuant to Navajo Nation Council Resolution CMA-25-71; The Navajo Veterans were recognized and a Navajo Nation Veterans Administration was established under the Executive Branch of the Navajo Nation Government- Office of the President and Vice President of the Navajo Nation; and
- 3. The Navajo Nation Veterans Advisory Council is duly recognized by the Navajo Nation with a Plan of Operation to address the issues, concerns and advocate for all Navajo Veterans; and
- 4. The Navajo Nation Veterans Advisory Council recognizes and acknowledges that it is entrusted to strive toward unification of all Navajo Nation Veterans and Local Leadership to provide leadership and coordinate with the needs of the veterans; and
- 5. The Navajo Nation Veterans Advisory Council recognizes, understands and acknowledges that the Navajo Nation has a government to government relationship before and after the signing of 1868 Treaty; and
- 6. The Northern Agency Veterans Organization recognizes, Understands and acknowledges that during WW11 over 600 Navajos served between 1941 and 1945. The entire population of Navajo Nation in the United States was less than 50,000 at the time. More than 42,000 Native Americans served in the military in the Vietnam Era, and over 90 percent of these Servicemembers were volunteers; and
- 7. The Northern Agency Veterans Organization recognizes, Understands and acknowledges that Native Americans have one of the highest records of service in the Vietnam era conflict, per capita, of any ethnic group. A majority of these men enlisted, and a disproportional number served in combat positions: in infantry regiments, tank battalions, airborne and airmobile units, and artillery batteries
- 8. The Navajo Nation Veterans Advisory Council recognizes, understands and acknowledges demographically, more Navajos served in the Armed Forces than any other nationality. San Juan County, NM established a monument of Iraq, Afghanistan and Persian Gulf war. The names of eleven soldiers are engraved and six are Navajos that gave their all; and
- 9. The Navajo Nation Veterans Advisory Council supports and advocates that the United States Veterans Administration establish direct services with the Navajo Nation Veterans Administration and the Navajo Nation government.
- 10. The Navajo Nation Veterans Advisory Council is requesting an amendment "Requesting a memorandum of agreement and/or memorandum of understanding between United States Department of Veterans Affairs and Navajo Nation" in regards to Navajo Veterans Affairs, benefits and services.
- 11. The Navajo Nation Advisory Council is requesting an amendment on the Legislation 0322-18, page 3 of 3, line 4, Insert after Navajo Nation Speaker, Navajo Nation Veterans Advisory Council.



NAVAJO VETERANS ADVISORY COUNCIL

Chair: Candice Pioche-Zunie

VICE CHAIR: Gilbert Chee

ACTING DIRECTOR: Ryan Sandoval

C-E-R-T-I-F-I-C-A-T-I-O-N-

NOW THEREFORE BE IT RESOLVED THAT:

- 1. THE NAVAJO NATION VETERANS ADVISORY COUNCIL SUPPORTS: An ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'IYATI' COMMITTEE; RESPECTFULLY REQUESTING THE UNITED STATES VETERANS AFFAIRS ADMININSTRATION TO ESTABLISH DIRECT SERVICES ON THE NAVAJO NATION VETERANS
- 2. The Navajo Nation Veterans Advisory Council is requesting an amendment "Requesting a memorandum of agreement and/or memorandum of understanding between United States Department of Veterans Affairs and Navajo Nation" in regards to Navajo Veterans Affairs, benefits and services.
- 3. The Navajo Nation Advisory Council is requesting an amendment on the Legislation 0322-18, page 3 of 3, line 4, Insert after Navajo Nation Speaker, Navajo Nation Veterans Advisory Council.

The Navajo Nation Veterans Advisory Council Hereby Certifies the Foregoing Resolution that was Considered at a Duly Called Meeting in TseBonito, NM, Navajo Nation) and that same was approved and passed with a vote of **07** in Favor; **00** Opposed and **01** Abstain on the **19th Day of October 2018**.

Motioned: Olin Kieyoomia **Seconded:** Nelda Achee

Candice _Pioche-Zunie - Chair

Navajo Nation Veterans Advisory Council

Committee Report

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

LEGISLATION NO. 0322-18

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND NAA'BIK'IYATI' COMMITTEES; RESPECTFULLY REQUESTING THE UNITED STATES VETERAN AFFAIRS ADMINISTRATION TO ESTABLISH DIRECT SERVICES ON THE NAVAJO NATION FOR NAVAJO NATION VETERANS

(Note: Eligible for Committee Action October 04, 2018)

Sponsor: Honorable Kee Allen Begay

Has had under consideration and report the same with the recommendation that Legislation 0322-18 PASS with no Amendment and no Directive; and therefore referred the same to the NAA'BIK'IYATI' COMMITTEE OF THE NAVAJO NATION COUNCIL

Respectfully Submitted,

Norman M. Begay, Vice-Chairperson

Health, Education and Human Services Committee

October 22, 2018 - Main Motion

Motion by: Honorable Jonathan L. Hale Seconded by: Honorable Nathaniel Brown

Vote: 3 in favor; 0 Opposed; Vice-Chairperson Not Voting Yeas: Jonathan L. Hale; Nathaniel Brown; Nelson BeGaye

Navs: None

Absent (excused): None

Not Voting: Amber Kanazbah Crotty

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE Regular Meeting October 22, 2018

Roll Call Vote Tally Sheet

LEGISLATION NO. 0322-18

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND NAA'BIK'IYATI' COMMITTEES; RESPECTFULLY REQUESTING THE UNITED STATES VETERAN AFFAIRS ADMINISTRATION TO ESTABLISH DIRECT SERVICES ON THE NAVAJO NATION FOR NAVAJO NATION VETERANS

(Note: Eligible for Committee Action October 04, 2018)

Sponsor: Honorable Kee Allen Begay

October 22, 2018 - Main Motion

Motion by: Honorable Jonathan L. Hale Seconded by: Honorable Nathaniel Brown

Vote: 3 in favor; 0 Opposed; Vice-Chairperson Not Voting Yeas: Jonathan L. Hale; Nathaniel Brown; Nelson BeGaye

Nays: None

Absent (excused): None

Not Voting: Amber Kanazbah Crotty

Norman M. Begay, Vice-Chairperson

Health, Education and Human Services Committee

Beverly Martinez, Legislative Advisor

Health, Education and Human Services Committee