

**LEGISLATIVE SUMMARY SHEET**  
**Tracking No. 0184-22**

**DATE:** September 29, 2022

**TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, NAABIK'ÍYÁTI' COMMITTEE, AND NAVAJO NATION COUNCIL; REAFFIRMING RESOLUTIONS NABIN-69-18, NABIMY-27-19, AND NABIAU-25-21, REQUESTING A TRIBAL COMMUNICATION WITH THE U.S. DEPARTMENT OF VETERANS AFFAIRS TO ESTABLISH DIRECT SERVICES ON THE NAVAJO NATION FOR NAVAJO VETERANS**

**PURPOSE:** The purpose of this legislation is to reaffirms NABIN-69-18, NABINMY-27-19, and NABIAU-25-21. In addition, the Navajo Nation requests a Tribal Communication with the Department of Veterans Affairs to establish direct services on the Navajo Nation for Navajo veterans. Specific items to be included in the discussion are: Regional VA Office located on the Navajo Nation; a Veterans Hospital; Disability Support Services; Records Support Services; Veterans Cemetery; and, Veterans Group Homes.

**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.**

5-DAY BILL HOLD PERIOD: Johnson  
Website Posting Time/Date: 5:05 pm; 09-29-22  
Posting End Date: 10-04-22  
Eligible for Action: 10-05-22

Health Education and Human Services Committee  
Thence  
Naabik'íyáti' Committee  
Thence  
Navajo Nation Council

1 PROPOSED STANDING COMMITTEE RESOLUTION  
2 24<sup>th</sup> NAVAJO NATION COUNCIL—Fourth Year, 2022

3 INTRODUCED BY

4  
5   
6 Primary Sponsor *Kee Allen Begay 10/2*

7 TRACKING NO. 0184-22

8  
9 AN ACTION

10 RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, NAABIK'ÍYÁTI'  
11 COMMITTEE, AND NAVAJO NATION COUNCIL; REAFFIRMING RESOLUTIONS  
12 NABIN-69-18, NABIMY-27-19, AND NABIAU-25-21, REQUESTING A TRIBAL  
13 COMMUNICATION WITH THE U.S. DEPARTMENT OF VETERANS AFFAIRS TO  
14 ESTABLISH DIRECT SERVICES ON THE NAVAJO NATION FOR NAVAJO VETERANS

15  
16 **WHEREAS:**

- 17 A. The Navajo Nation established the Health, Education and Human Services Committee  
18 (“HEHSC”) as a Navajo Nation Council standing committee and as such empowered  
19 HEHSC to review and recommend resolutions regarding veterans and/or veteran services.  
20 2 N.N.C. §§ 164 (A)(9), 400 (A), 401 (B)(6)(a) (2012).
- 21 B. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation  
22 Council standing committee and as such empowered Naabik'íyáti' Committee to  
23 coordinate with all committees, Chapters, branches and entities concerned with all  
24 Navajo appearances and testimony before Congressional committees, and  
25 departments of the United States government. *See* 2 N.N.C. §§ 164 (A)(9), 700 (A),  
26 701 (A)(7)(8) (2015).
- 27 C. The Navajo Nation Council is the governing body of the Navajo Nation and shall  
28 supervise all powers delegated. 2 N.N.C. § 102.
- 29 D. The Navajo Nation has a government-to-government relationship with the United  
30 States of America, Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.

- 1 E. The Naabik'iyati' Committee of the 24<sup>th</sup> Navajo Nation Council passed NABIAU-25-  
2 21 reaffirming Resolution NABIN-69-18 and NABIMY-27-19; requesting the United  
3 States Veteran Affairs Administration establish direct services on the Navajo Nation  
4 for Navajo veterans. *See* NABIAU-25-21 attached as **Exhibit 1**.
- 5 F. The U.S. Department of Veterans Affairs FY 2018 – 2024 Strategic Plan commits the  
6 department to making its electronic and information technologies accessible to  
7 individuals with disabilities in accordance with section 508 of the Rehabilitation Act  
8 (Title 29 U.S.C. § 794d) as amended in 1999.
- 9 G. A Tribal Communication is any other communication with tribal officials that does  
10 not meet the criteria of tribal consultation is informal communication. This can  
11 include listening sessions. *See* VA Directive 8603 attached as **Exhibit 2**.
- 12 H. Pursuant to 38 U.S.C § 501, *et al.*, and 38 C.F.R. Part 39, there is a mechanism for  
13 Tribal Organizations to obtain a grant to establish a veterans' cemetery that meets the  
14 U.S. Department of Veterans Affairs' national shrine standards of appearance that  
15 will be owned by a Tribal Organization on trust land.
- 16 I. The Navajo Nation requests a Tribal Communication with the U.S. Department of  
17 Veterans Affairs, to establish direct services on the Navajo Nation for Navajo  
18 veterans.

19  
20 **NOW THEREFORE, BE IT RESOLVED:**

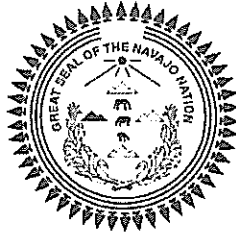
- 21 A. The 24<sup>th</sup> Navajo Nation Council reaffirms NABIN-69-18, NABINMY-27-19, and  
22 NABIAU-25-21.
- 23 B. The Navajo Nation requests a Tribal Communication with the Department of  
24 Veterans Affairs to establish direct services on the Navajo Nation for Navajo  
25 veterans. Specific items to be included in the discussion are as follows:
- 26 a. Regional VA Office located on the Navajo Nation:
    - 27 i. Veterans Benefits Administration
    - 28 ii. Accredited Representatives – i.e.; Veterans Service Organization
    - 29 iii. Housing Benefit Program
    - 30 iv. Education and Training Opportunities

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- b. A Veterans Hospital
- c. Disability Support Services
- d. Records Support Services
- e. Veterans Cemetery
- f. Veterans Group Homes

C. The Navajo Nation authorizes the Navajo Nation President, the Navajo Nation Speaker, Navajo Washington Office or their designees, and the Navajo Nation Veterans Administration Executive Director, to request a Tribal Communication with the U.S. Department of Veterans Affairs within ninety (90) days of passage.

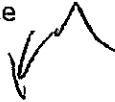
D. The Navajo Nation authorizes the Navajo Nation Veteran Administration Executive Director to seek external funding to establish a veteran's cemetery pursuant to 38 U.S.C. § 501, *et al.*, and 38 C.F.R. Part 39. *See* 2 N.N.C. § 1032 (B) (8).



## MEMORANDUM

TO: Dana Bobroff, Chief Counsel  
Office of Legislative Counsel

FROM: Kee Allen Begay Jr., Delegate  
24<sup>th</sup> Navajo Nation Council



DATE: April 23, 2022

SUBJECT: **VETERANS DIRECT SERVICE – NAVAJO NATION COUNCIL RESOLUTION**

NABIAU-25-21 was approved in September of 2021. Since then, not much has been accomplished or any specific action by the Biden-Harris administration including the U.S. Congress.

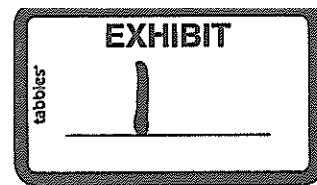
I am requesting a legislation that will be approved by the full 24<sup>th</sup> Navajo Nation Council.

Specific to include in the legislation as follow;

1. Regional VA Office that each States has which specifically operated by the U.S. Veterans Administration.
  - a. Veterans Benefits Administration
  - b. Accredited Representatives – ie; VSO
  - c. Housing Benefit Program
  - d. Education and Training Opportunities
2. A Veterans Hospital
3. Disability Support Services
4. Records Support Services
5. Veterans Cemetery
6. Veterans Group Homes

Outlining the specific would be more beneficial in the legislation to understand the “ask” by the Navajo Nation. Thank you.

cc: *Speaker Damon, OLC, and OLS*



NABIAU-25-21

RESOLUTION OF THE  
NAABIK'ÍYÁTI' STANDING COMMITTEE  
24<sup>th</sup> NAVAJO NATION COUNCIL -- Third Year, 2021

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'ÍYÁTI' COMMITTEE; REAFFIRMING RESOLUTIONS NABIN-69-18 AND NABIMY-27-19, REQUESTING THE UNITED STATES CONGRESS AND THE BIDEN-HARRIS ADMINISTRATION TO ESTABLISH DIRECT SERVICES ON THE NAVAJO NATION FOR NAVAJO VETERANS

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 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)(7) and (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. The Naabik'íyáti' Committee of the 23<sup>rd</sup> Navajo Nation Council passed NABIN-69-18 requesting the United States Veteran Affairs Administration to establish direct services on the Navajo Nation for Navajo veterans. See NABIN-69-18 attached as Exhibit A.
- E. The Naabik'íyáti' Committee of the 24<sup>th</sup> Navajo Nation Council passed NABIMY-27-19 reaffirming Resolution NABIN-69-18 requesting the United States Veteran Affairs Administration to establish direct services on the Navajo Nation for Navajo veterans. See NABIMY-27-19 attached as Exhibit B.
- F. The U.S. Department of Veterans Affairs FY 2018 - 2024 Strategic Plan commits the department to making its electronic and information technologies accessible to individuals with

disabilities in accordance with section 508 of the Rehabilitation Act (Title 29 U.S.C. § 794d) as amended in 1999.

- G. The Navajo Nation hereby request the United States Congress and Joe Biden Administration, to establish direct services on the Navajo Nation for Navajo veterans.

**NOW THEREFORE BE IT RESOLVED THAT:**

- A. The 24<sup>th</sup> Navajo Nation Council hereby reaffirms NABIN-69-18 as passed by the 23<sup>rd</sup> Navajo Nation Council attached as Exhibit A.


- B. The 24<sup>th</sup> Navajo Nation Council hereby reaffirms NABIMY-27-19 as passed by the 24<sup>th</sup> Navajo Nation Council attached as Exhibit B.

- C. The Navajo Nation through the 24<sup>th</sup> Navajo Nation Council requests the United States Congress and President Joe Biden Administration to establish direct services on the Navajo Nation for Navajo veterans.

- D. The Navajo Nation through the 24<sup>th</sup> Navajo Nation Council hereby authorizes the Navajo Nation President, the Navajo Nation Speaker, Navajo Washington Office and their designees, to advocate for this request.

**CERTIFICATION**

I, hereby certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 24<sup>th</sup> 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 21 in Favor, and 00 Opposed, on this 31<sup>st</sup> day of August 2021.

  
Honorable Seth Damon, Chairman  
Naabik'iyáti' Committee

Sep 22 2021  
Date

Motion: Honorable Eugenia Charles-Newton  
Second: Honorable Vince R. James

Chairman Seth Damon not voting

RESOLUTION OF THE  
 NAABIK'ÍYÁTI' STANDING COMMITTEE OF THE  
 23<sup>rd</sup> NAVAJO NATION COUNCIL -- Fourth Year, 2018



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 (HEHSC) as a Navajo Nation Council standing committee and as such empowered HEHSC 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'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.
- 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.



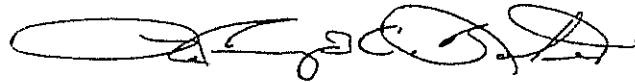
- F. Native American veterans have provided invaluable service and allegiance to the United States of America and bring great honor to their tribal communities.
- G. Within the last 5 years, reports of excessive and sometimes deadly waiting times for veterans seeking government healthcare came to light, 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](http://www.cnn.com).
- H. In 2010, tribal leaders and representatives offered comments on the U.S. Department of Veterans 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 Veterans Affairs office or services on the Navajo Nation. This requires Navajo veterans to travel off reservation to seek veterans 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.

**NOW, THEREFORE, BE IT RESOLVED:**

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

**CERTIFICATION**

I, hereby, certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 23<sup>rd</sup> 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 10 in Favor, and 00 Opposed, on this 09<sup>th</sup> day of November 2018.



LoRenzo C. Bates, Chairman  
Naabik'iyáti' Committee

Motioned: Honorable Lee Jack, Sr.  
Second : Honorable Leonard H. Pete

Chairman LoRenzo C. Bates not voting

*Pursuant to § 700 (D), A quorum of the committee shall be satisfied by the presence of two (2) members of each Standing Committee or a majority of delegates of the Navajo Nation Council.*

RESOLUTION OF THE  
 NAABIK'ÍYÁTI' STANDING COMMITTEE OF THE  
 24<sup>th</sup> NAVAJO NATION COUNCIL -- First Year, 2019



AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE; FOR THE PURPOSE OF DISCUSSION, REAFFIRMATION, AND POSSIBLE AMENDMENT OF NABIN-69-18 TITLED "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 ("HEHSC") as a Navajo Nation Council standing committee and as such empowered HEHSC 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'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)(7)(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. The Naabik'iyáti' Committee of the 23<sup>rd</sup> Navajo Nation Council passed NABIN-69-18 titled "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" and is attached hereto as Exhibit A.

- E. The U.S. Department of Veterans Affairs FY 2018 - 2024 Strategic Plan commits the department to making its electronic and information technologies accessible to individuals with disabilities in accordance with section 508 of the Rehabilitation Act (Title 29 U.S.C. § 794d) as amended in 1999.

**NOW THEREFORE, BE IT RESOLVED**

- A. The 24<sup>th</sup> Navajo Nation Council hereby reaffirms NABIN-69-18 as passed by the 23<sup>rd</sup> Navajo Nation Council.
- B. The Navajo Nation through the 24<sup>th</sup> Navajo Nation Council respectfully requests the United States Department of Veterans Affairs to establish direct services on the Navajo Nation for Navajo veterans through NABIN-69-18 and this resolution.
- C. The Navajo Nation through the 24<sup>th</sup> Navajo Nation Council hereby authorizes the Navajo Nation President, the Navajo Nation Speaker, Navajo Washington Office and their designees, to advocate for this request.

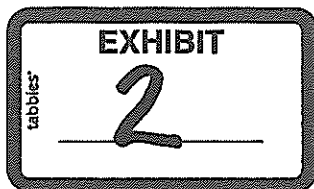
**CERTIFICATION**

I, hereby, certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 24<sup>th</sup> 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 17 in Favor, and 00 Opposed, on this 28<sup>th</sup> day of May 2019.

  
Honorable Seth Damon, Chairman  
Naabik'iyáti' Committee

Motion: Honorable Jamie Henio  
Second: Honorable Wilson Stewart, Jr.

Chairman Seth Damon not voting



**CONSULTATION AND COMMUNICATION WITH FEDERALLY-RECOGNIZED  
INDIAN TRIBES**

- 1. REASON FOR ISSUE.** To update the Department of Veterans Affairs (VA) policy for consulting and communicating with federally-recognized Indian Tribes.
- 2. SUMMARY OF CONTENTS/MAJOR CHANGES.** This directive sets forth policies, roles, and responsibilities for consulting and communicating with federally-recognized Indian Tribes.
- 3. RESPONSIBLE OFFICE.** Office of Public and Intergovernmental Affairs (002) – Office of Tribal Government Relations (075).
- 4. RELATED HANDBOOK.** VA Handbook 8603, *Consultation and Communication with Federally-Recognized Indian Tribes*.
- 5. RESCISSION.** VA Directive 8603, dated January 5, 2007.

**CERTIFIED BY:**

**BY DIRECTION OF THE SECRETARY  
OF VETERANS AFFAIRS:**

/s/  
Stephen W. Warren  
Executive in Charge and  
Chief Information Officer

/s/  
Maura C. Sullivan  
Assistant Secretary for  
Public and Intergovernmental Affairs

Distribution: Electronic Only

**CONSULTATION AND COMMUNICATION WITH FEDERALLY-RECOGNIZED  
INDIAN TRIBES**

**1. PURPOSE.** This directive contains the Department's policy for consulting and communicating with federally-recognized Indian Tribes and applies to all organizational elements across the Department. This directive establishes that the Office of Public and Intergovernmental Affairs-Office of Tribal Government Relations (OPIA-OTGR) manages and facilitates the tribal consultation process, while providing advice and guidance on tribal communications.

**2. POLICY.**

**a. General.** American Indian Tribes have a unique political status that entitles them to a special government-to-government relationship with the United States (U.S.) based on their federally-recognized status as sovereign nations. Formal tribal consultations and ongoing tribal communications are critical components of this relationship. Consultations promote the meaningful exchange of ideas and information while building trusted relationships between the Department and tribal governments. Pursuant to the Federally-Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a-479a-1, Indian Tribes are Federally-Recognized by the Department of Interior (DOI).

**b. Definition of Tribal Consultation.**

(1) Tribal consultation is a formal, documented process by which input is sought from tribal officials from federally-recognized Indian Tribes on proposed Departmental actions, which may:

(a) Require tribal and VA senior leadership involvement;

(b) Involve the potential for direct, and substantial impact upon more than one Tribe or on the relationship between VA and Tribes;

(c) Affect tribal resources, rights, or land;

(d) Entail policy, legislative, or legal actions involving Tribes; or

(e) Change the distribution of authority and responsibilities between VA and Indian Tribes.

(2) Examples of Departmental actions requiring tribal consultation include, but are not limited to: rules and regulations, tribal authorizations or delegations involving Tribes; legislative comments or proposed legislation involving Tribes; policies, guidance, activities or programs affecting grants and funding, or operational activities involving Tribes.

## VA DIRECTIVE 8603

(3) Tribal Consultations that are conducted on matters relating to historic preservation, cultural resources, and the impacts of proposed actions under the National Environmental Policy Act as referenced in VA Directive and Handbook 7545 and VA Directive 0067, are not required to follow the consultation procedures set forth in this Directive, as VA Directive and Handbook 7545 and VA Directive 0067 dictate tribal consultation for those matters. However, all tribal consultations and communications on such matters must be reported to OPIA-OTGR, as set forth in section 3.c. of this Directive, to ensure any necessary coordination and collaboration occurs.

**c. Process for Tribal Consultation.** OPIA-OTGR manages, facilitates, and documents tribal consultations for the Department. Administrations and Staff Offices wanting to consult with an Indian Tribe must seek guidance from, and coordinate with, OPIA-OTGR before, during, and after the consultation process. Should legal questions arise, Administrations and Staff Offices must also consult with the Office of the General Counsel (OGC), as needed. Refer to Handbook 8603 for a step-by-step description of the tribal consultation process.

**d. Definition of Tribal Communication.** Any other communication (verbal, electronic or written exchange of information) with tribal officials that does not meet the criteria of tribal consultation is informal communication. This can include listening sessions. If an Administration or Staff Office is unsure of the distinction between tribal consultation and tribal communication, contact OPIA-OTGR for further guidance.

**e. Process for Tribal Communication.** OPIA-OTGR provides advice and guidance on tribal communications across the Department. Administrations and Staff Offices should communicate key findings from tribal communications to OPIA-OTGR for situational awareness. Refer to Handbook 8603 for a step-by-step description of the tribal communication process.

**f. Exclusions.** Exclusions to this policy include those matters that are the subject of litigation or in settlement negotiations, or matters undertaken in accordance with an administrative or judicial order where VA has no discretion with respect to consultation.

### 3. RESPONSIBILITIES.

**a. Office of Public and Intergovernmental Affairs-Office of Tribal Government Relations (OPIA-OTGR).** OPIA-OTGR will:

- (1) Manage, facilitate, and document the tribal consultation process;
- (2) Provide advice and guidance on tribal consultation and communication;

(3) Issue periodic data calls within VA requesting issues for tribal consultation, prior communication with tribal governments, and inputs required for annual reports to OMB and/or other entities;

(4) Communicate any tribal-initiated or VA-initiated issues for consultation to relevant Administrations and Staff Offices; and

(5) Comply with all laws, regulations, policies, and handbooks relating to tribal consultation and communication.

**b. Under Secretaries, Assistant Secretaries, and Other Key Officials.** Under Secretaries, Assistant Secretaries, and Other Key Officials, or their designee(s) will:

(1) Coordinate with OPIA-OTGR throughout the tribal consultation process;

(2) Seek advice and guidance from OPIA-OTGR on tribal consultation and communication;

(3) Respond to data calls received from OPIA-OTGR in a timely manner;

(4) Communicate any tribal-initiated or Administration/Staff Office-initiated issues for consultation to OPIA-OTGR;

(5) Comply with all laws, regulations, policies, and handbooks relating to tribal consultation and communication.

**c. Office of Acquisitions, Logistics, and Construction (OALC), Office of Construction and Facilities Management (CFM).** OALC, CFM will: As needed and in response to data calls, provide OPIA-OTGR with information on consultations and communications conducted with federally-recognized tribes on matters relating to historic preservation, cultural resources, and the impacts of proposed actions under the National Environmental Policy Act as set forth in VA Directive and Handbook 7545 and VA Directive 0067 as related to Major (or other) Projects under their direction.

#### 4. REFERENCES.

a. Executive Order 13175.

b. Department of Veterans Affairs Tribal Consultation Policy signed by the Secretary of Veterans Affairs.

#### 5. DEFINITIONS.

a. **Administration.** A generic term used to identify one of the three major VA operational elements:



## VA DIRECTIVE 8603

- (1) Veterans Health Administration (VHA);
- (2) Veterans Benefits Administration (VBA); and
- (3) National Cemetery Administration (NCA).

When VHA, VBA, and NCA are referred to as a group, the term "Administrations" may be used.

**b. Department.** A generic reference to the entire Department of Veterans Affairs, which includes VA Central Office and all field facilities.

**c. Staff Office.** A generic term used to identify one of the offices included under VA Central Office. This does not refer to VHA, VBA, and NCA, nor does it refer to medical facilities, regional offices, or cemeteries.

**d. Federally-Recognized Indian Tribe.** An American Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of Interior acknowledges to exist as an Indian Tribe pursuant to the Federally-Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a-479a-1.

**e. Government-to-Government Relationship.** The relationship of the U.S. with tribal governments, in which the U.S. recognizes tribes as sovereign entities and interacts with them on the basis of respect for their sovereign status.

**f. Listening Sessions.** Sessions in which government officials listen to input or feedback from tribal leaders or members, for the purpose of sharing information on topics of interest to the government, tribes, or both. These sessions can be used to gather information or gain understanding about complex issues. These differ from tribal consultations, which focus on proposed Departmental actions.

### **g. Tribal Consultation.**

(1) Formal, documented process by which input is sought from tribal officials on proposed Departmental actions, which may:

- (a) Require tribal and VA senior leadership involvement;
- (b) Involve the potential for direct and substantial impact upon more than one Tribe or on the relationship between VA and Tribes;
- (c) Affect tribal resources, rights or land;
- (d) Entail policy, legislative, or legal actions involving Tribes;

## VA DIRECTIVE 8603

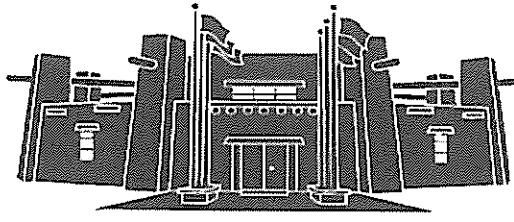
(e) Change the distribution of authority and responsibilities between VA and Indian Tribes.

(2) Tribal Consultations that are conducted on matters relating to historic preservation, cultural resources, and the impacts of proposed actions under the National Environmental Policy Act as referenced in VA Directive and Handbook 7545 and VA Directive 0067, are not required to follow the consultation procedures set forth in this Directive, as VA Directive and Handbook 7545 and VA Directive 0067 dictate tribal consultation for those matters. However, all tribal consultations and communications on such matters must be reported to OPIA-OTGR, as set forth in this Directive, to ensure any necessary coordination and collaboration occurs.

**h. Tribal Officials.** Elected or duly appointed officials of Indian Tribes or authorized intertribal organizations.

**i. Tribal Communication.** Any other communication (verbal, electronic or written exchange of information) with tribal officials that does not meet the definition of tribal consultation.

**j. Tribal Government.** Governing structure of a sovereign, federally-recognized government of an Indian Tribe.



## MEMORANDUM

**TO:** Delegate Kee Allen Begay, Jr.  
Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain  
Chapters

**FROM:** Mariana Kahn  
Mariana Kahn, Attorney  
Office of Legislative Counsel

**DATE:** September 29, 2022

**SUBJECT: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, NAABIK'ÍYÁTI' COMMITTEE, AND NAVAJO NATION COUNCIL; REAFFIRMING RESOLUTIONS NABIN-69-18, NABIMY-27-19, AND NABIAU-25-21, REQUESTING A TRIBAL COMMUNICATION WITH THE U.S. DEPARTMENT OF VETERANS AFFAIRS TO ESTABLISH DIRECT SERVICES ON THE NAVAJO NATION FOR NAVAJO VETERANS**

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

The Office of Legislative Council confirms 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 this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker. If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0184-22\_

SPONSOR: Kee Allen Begay, Jr.

**TITLE An Action Relating to Health, Education and Human Services, Naabik'iyáti' Committee, and Navajo Nation Council; Reaffirming Resolutions NABIN-69-18, NABIMY-27-19, and NABIAU-25-21, Requesting a Tribal Communication with the U.S. Department of Veterans Affairs to Establish Direct Services on the Navajo Nation for Navajo Veterans**

***Date posted:*** September 29, 2022 at 5:05PM

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto: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.: 0184-22**

**SPONSOR: Honorable Kee Allen Begay, Jr.**

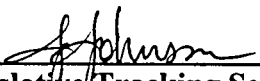
**TITLE: An Action Relating to Health, Education and Human Services, Naabik'iyáti' Committee, and Navajo Nation Council; Reaffirming Resolutions NABIN-69-18, NABIMY-27-19, and NABIAU-25-21, Requesting a Tribal Communication with the U.S. Department of Veterans Affairs to Establish Direct Services on the Navajo Nation for Navajo Veterans**

**Posted: September 29, 2022 at 5:05 PM**

**5 DAY Comment Period Ended: October 4, 2022**

**Digital Comments received:**

<b>Comments Supporting</b>	<i>None</i>
<b>Comments Opposing</b>	<i>None</i>
<b>Comments/Recommendations</b>	<i>None</i>

  
**Legislative Tracking Secretary  
Office of Legislative Services**

**October 5, 2022; 8:18 AM**  
**Date/Time**