

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0155-20\_\_

SPONSOR: Carl Slater

**TITLE: An Action Relating to Naabik'iyáti'; Authorizing and Approving Waiver of Administrative Costs for Federal Communications Commission COVID-19 Telehealth Cost Reimbursement Award**

**Date posted: July 10, 2020 at 3:16PM**

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## LEGISLATIVE SUMMARY SHEET

Tracking No. 0155-20

**DATE:** July 9, 2020

**TITLE OF RESOLUTION:** AN ACTION RELATING TO NAABIK'ÍYÁTI'; AUTHORIZING AND APPROVING WAIVER OF ADMINISTRATIVE COSTS FOR FEDERAL COMMUNICATIONS COMMISSION COVID-19 TELEHEALTH COST REIMBURSEMENT AWARD


**PURPOSE:** This resolution, if adopted, would authorize and approve waiver of Administrative Costs for Federal Communications Commission Covid-19 Telehealth Cost Reimbursement Award.

**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: \_\_\_\_\_  
Posting End Date: 07-15-20  
Eligible for Action: 07-16-20

1 PROPOSED STANDING COMMITTEE RESOLUTION  
2 24<sup>TH</sup> NAVAJO NATION COUNCIL – Second Year, 2020

3 INTRODUCED BY

4 \_\_\_\_\_  
5  
6 (Sponsor) 

7  
8 TRACKING NO. 0155-20

9  
10 AN ACTION

11 RELATING TO NAABIK'ÍYÁTI'; AUTHORIZING AND APPROVING WAIVER OF  
12 ADMINISTRATIVE COSTS FOR FEDERAL COMMUNICATIONS COMMISSION  
13 COVID-19 TELEHEALTH COST REIMBURSEMENT AWARD

14  
15 SECTION ONE. AUTHORITIES

16 A. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council.  
17 It has the authority to "review and continually monitor the programs and activities of  
18 federal and state departments and to assist development of such programs designed to serve  
19 the Navajo People and the Navajo Nation through intergovernmental relationships between  
20 the Navajo Nation and such departments." 2 N.N.C. §701(A)(7).

21 B. Pursuant to 2 N.N.C. § 701(A)(10), the Naabik'iyáti' Committee is authorized:

22 "To review and approve the negotiation and setting of the Navajo Nation's indirect  
23 cost or administrative cost rate agreements with the cognizant federal agent. When in  
24 the best interest of the Nation, the committee may waive the indirect cost or  
25 administrative cost rate when:

26 a. The division, department or program requesting the waiver demonstrates a  
27 statutory and/or regulatory requirement that limits the indirect cost or  
28 administrative cost rate available for a particular grant or contract, or  
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1           b. There is a showing of necessity and a commitment of available general funds  
2           by the division, department or program requesting the waiver which is available  
3           to offset the loss in indirect costs or administrative costs.”  
4

## 5       **SECTION TWO. FINDINGS**

6       A. COVID-19 is a serious respiratory disease. COVID-19, a global pandemic, has  
7       affected all communities of the Navajo Nation. In the United States, the rate of COVID-  
8       19 is again rapidly increasing.

9       B. The Navajo CHR/Outreach program, Navajo Nation Department of Health, on April  
10      23, 2020, submitted a Telehealth cost reimbursement award application to the Wireless  
11      Competition Bureau, Federal Communications Commission (FCC). See Exhibit A. The  
12      purposes include monitoring patients requiring hospitalization during the COVID-19  
13      pandemic. On May 6, 2020, the Wireless Competition Bureau, on a cost reimbursement  
14      basis, issued notice of award to the CHR/Outreach Program, Navajo Nation Department of  
15      Health, in the amount of \$954,990. See attached Exhibit B, *Funding Commitment Letter*  
16      (Commitment Number 0048). Generally, under the award, funds would be used “to  
17      provide home health care and remote monitoring services throughout the Navajo Nation to  
18      patients who are isolated and under shelter-in-place orders, including low-income, elderly  
19      and vulnerable and high risk patients.” See Exhibit C, *FCC News*, May 6, 2020.

20      C. Administrative costs are not allowed under the award provided to the Navajo Nation  
21      CHR/Outreach program. The applicable federal administrative order, in part, provides:

22           “The COVID-19 Telehealth Program will not provide funding for health care  
23           provider administrative costs associated with participating in the COVID-19  
24           Telehealth Program (e.g., costs associated with completing COVID-19 Telehealth  
25           Program applications and other submissions) or other miscellaneous expenses (e.g.,  
26           doctor and staff time spent on the COVID-19 Telehealth Program and  
27           outreach). We emphasize that COVID-19 Telehealth Program funds may only be  
28           used for services and devices covered under the CARES Act. The costs of  
29           ineligible items must not be included in the reimbursement requests for the COVID-  
30

1           19 Telehealth Program." See paragraph 30, [https://docs.fcc.gov/public/](https://docs.fcc.gov/public/attachments/FCC-20-44A1.pdf)  
2           *attachments/FCC-20-44A1.pdf* (attached hereto as Exhibit D).

3           D. Because of federal administrative order FCC-20-44A1, and pursuant to Navajo Nation  
4           law, the Navajo Nation CHR/Outreach Program is seeking a waiver of administrative  
5           costs associated with the FCC award provided the program.

6           E. Under the award extended to the Navajo Nation, funds must be expended by  
7           September 30, 2020. It is absolutely crucial that the funds be made available immediately  
8           for purposes of addressing emergencies presented by COVID-19.

9  
10           **SECTION THREE. APPROVING ADMINISTRATIVE COST WAIVER**

11           A. The Navajo Nation hereby approves and authorizes a waiver of administrative costs  
12           for the Federal Communications Commission Covid-19 Telehealth cost reimbursement  
13           award dated May 6, 2020 (Funding Commitment Number 0048 - Wireless Competition  
14           Bureau).

15           B. With the assistance of the Navajo Nation Office of the Controller, Office of  
16           Management and Budget and the Navajo Nation Department of Justice, the  
17           CHR/Outreach Program, Navajo Department of Health, shall finalize and submit to the  
18           federal awarding agency all necessary documents for purposes of completing all award  
19           requirements. Further, the President of the Navajo Nation shall be authorized to execute  
20           any and all documents necessary to effectuate the intent of this resolution.