LEGISLATION NO: _0154-19_____ SPONSOR: Otto Tso

TITLE: An Action Relating To The Naabik’íyáti’ Committee; Dissolving The Sihasin fund Subcommittee By Rescinding NABIAP-20-15; Rescinding NABIAP-23-19; And Establishing the Naabik’íyáti’ Committee As the Oversight Committee Of The Sihasin Fund

Date posted: June 17, 2019 at 5:05pm

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.
LEGISLATIVE SUMMARY SHEET

Tracking No. 0154-19

DATE:       June 11, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMISSION; DISSOLVING THE SÍHASIN FUND SUBCOMMITTEE BY RESCINDING NABIAP-20-15; RESCINDING NABIAP-23-19; AND ESTABLISHING THE NAABIK'ÍYÁTI' COMMITTEE AS THE OVERSIGHT COMMITTEE OF THE SÍHASIN FUND

PURPOSE: If approved, this resolution will dissolve the Síhasin Fund Subcommittee, rescind NABIAP-20-15, rescind NABIAP-23-19, and establish the Naabik’íyáti’ Committee as the oversight committee of the Síhasin Fund.

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 STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL—FIRST YEAR, 2019

INTRODUCED BY

Primary Sponsor

TRACKING NO. 0154-19

AN ACTION
RELATING TO THE NAABIK’ÍYÁTI’ COMMITTEE; DISSOLVING THE
SÍHASIN FUND SUBCOMMITTEE BY RESCINDING NABIAP-20-15;
RESCINDING NABIAP-23-19; AND ESTABLISHING THE NAABIK’ÍYÁTI’
COMMITTEE AS THE OVERSIGHT COMMITTEE OF THE SÍHASIN FUND

SECTION ONE. AUTHORITY
A. The Navajo Nation established the Naabik’íyáti’ Committee as a Navajo Nation
Council standing committee. 2 N.N.C. § 700(A).
B. The Navajo Nation enables each committee to establish subcommittees which shall
exist until their assigned tasks are completed and reported, and a recommendation is
made to the committee. 2 N.N.C. § 186.
C. As such, the Nation empowered the Naabik’íyáti’ with the power to delegate its
responsibilities and authorities to standing committees to make efficient and
streamline the government process. 2 N.N.C. § 701(B).

SECTION TWO. FINDINGS
A. Since the 1800’s the United States collected and held in trust for the Navajo Nation
revenues and proceeds derived from use of resources and lands under the authority of
federal statutes and regulations. See CMY-28-14.
B. On November 1, 2006, the 20th Navajo Nation Council unanimously passed Legislation No. CN-57-06 authorizing the Navajo Nation Attorney General to file a lawsuit against the United States for alleged breach of its fiduciary duties to the Nation arising under treaties, executive orders, public laws, statutes, regulations, and contracts due to its mismanagement of the Nation's tribal trust assets, including tribal trust funds and select tribal resource. See CD-68-14.

C. On December 29, 2006, the Navajo Nation, under the 2 N.N.C. § 1964(F) authorities of the Navajo Nation Attorney General, filed suit against the United States in the Court of Federal Claims titled Navajo Nation v. United States, No. 06-945L, seeking monetary damages from the United States for its mismanagement of Navajo tribal assets. Id.

D. On May 16, 2014, the United States made a settlement offer to the Nation that the Nation's Attorney General, outside legal counsel, the Task Force, and the Office of the President and Vice-President determined to be in the best interests of the Navajo Nation. Id.

E. On May 30, 2014, the settlement was adopted by the Navajo Nation Council through Resolution No. CMY-28-14 and signed into law by the President of the Navajo Nation on June 4, 2014. Id.

F. On December 23, 2014, the Navajo Nation Council established the Sihasin Fund and the Navajo Nation President signed the enactment into law on December 31, 2014 through CD-68-14 designating that all proceeds and earnings received through the settlement of Navajo Nation v. United States, shall be put into this fund.

G. The Navajo Nation Council established the Sihasin Fund for the purpose of providing "financial support and/or financing for:

1) The planning and development of economic development and regional infrastructure supporting economic development and community development, including such infrastructure as, but not limited to, housing, commercial and government buildings, waterline, solid waste management development, powerline projects, and transportation and communication systems, within the Navajo Nation; and
2) Education opportunities for members of Navajo Nation; and
3) Leveraging the Fund by way of guaranteeing loans, match funding, direct
funding in part, and other weighted uses of the Fund shall be favored over
direct funding in whole.” 12 N.N.C. § 2502.

H. The 24th Navajo Nation Council established the Naabik’íyáti’ Sihasin Fund
Subcommittee in NABIAP-20-15 to recommend to the Naabik’íyáti’ Committee and
Navajo Nation Council financial support and/or financing plan(s) for the purposes
designated in 12 N.N.C. § 2502.

I. In creating the subcommittee, the Navajo Nation Council established that the
Naabik’íyáti’ Sihasin Fund Subcommittee should exist until their assigned tasks are
completed and shall report on the recommendations to the Naabik’íyáti’ Committee
and the Navajo Nation Council. See NABIAP-20-15 attached as Exhibit A.

J. The Naabik’íyáti’ Committee appointed delegates to the Sihasin Fund Subcommittee
on the basis of two members from each of the five standing committees of the Navajo
Nation Council. See NABIAP-23-19 attached as Exhibit B.

K. The Naabik’íyáti’ Committee has determined that the Sihasin Fund Subcommittee has
completed all tasks under NABIAP-20-15.

L. It is in the best interest of the Navajo Nation to dissolve the Sihasin Fund
Subcommittee by rescinding NABIAP-20-15. See Exhibit A.

M. With the dissolution of the Sihasin Fund Subcommittee, it is in the best interest of
Navajo Nation to rescind NABIAP-23-19. See Exhibit B.

N. It is in the best interest of the Navajo Nation to establish the Naabik’íyáti’ Committee
to serve as the oversight committee to the Sihasin Fund.

SECTION THREE. ESTABLISHING THE NAABIK’ÍYÁTI’ COMMITTEE
OVERSIGHT OF THE SÍHASIN FUND

A. The Naabik’íyáti’ Committee is hereby established as the oversight committee of
the Sihasin Fund.

B. The Naabik’íyáti’ Committee shall review and evaluate any further Public
Hearing comments and recommendations from the Navajo People, if necessary.
C. The Naabik’íyáti’ Committee shall recommend to Navajo Nation Council financial support and/or financing plan(s) for the purposes set out in 12 N.N.C. § 2502.

D. The Naabik’íyáti’ Committee shall oversee the Síhasín Funds until the funds are depleted or until otherwise directed by the Naabik’íyáti’ Committee.

SECTION FOUR. APPROVAL

A. The Navajo Nation hereby dissolves the Síhasín Fund Subcommittee as established by NABIAP-20-15 attached as Exhibit A.

B. The Navajo Nation hereby rescinds NABIAP-23-19 attached as Exhibit B.

C. The Navajo Nation hereby establishes the Naabik’íyáti’ Committee as the oversight committee of the Síhasín Fund with the authorities established in Section Three of this resolution.