



23RD NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

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Delegates remain open to compromise over line-item veto authority despite President Begaye's failure to meet with Naabik'iyátí' Committee

WINDOW ROCK – On Thursday, the Naabik'iyátí' Committee received a report from the Office of the President and Vice President concerning Legislation No. 0398-15, which seeks to override the president's veto of Resolution CO-46-15 that contains language to clarify the president's line-item veto authority.

CO-46-15, which is intended to better streamline the legislative process, included an amendment regarding the president's line-item veto authority, which states, "The veto of a budget line-item shall only be to the numeric appropriated dollar amount."

Sponsor of the legislation, Council Delegate Alton Joe Shepherd (Jeddito, Cornfields, Ganado, Kin Dah Lichíí, Steamboat), said President Russell Begaye's recent statements on local radio stations have misled the public to believe that the Council is attempting to take away the line-item veto authority from the president and to overrule the voice of the people.

"We are not attempting to take away what the people granted through the referendum vote," stated Delegate Shepherd. "The president will still have the line-item authority, but we are looking to clarify that authority to ensure checks and balances between the three-branches of government."

Delegate Shepherd, who gathered signatures and helped promote the approval of the line-item veto referendum in 2009, pointed out that the original intent of the referendum was to prevent excessive spending of public funds by allowing a sitting president to line-item veto "riders" or supplemental funding that is not included in the original language of a bill.

Despite a letter sent to President Begaye on Dec. 7 requesting his attendance at Thursday's Naabik'iyátí' Committee meeting to discuss a compromise, former President Peterson Zah, who currently serves as an executive staff assistant with the OPVP, informed committee members that President Begaye was unable to attend because he was at a meeting with the Colorado River Water Users Association in Las Vegas.

Zah distributed a letter to Naabik'iyátí' Committee members from President Begaye, in which he outlined a proposed compromise that requested Delegate Shepherd to withdraw the override legislation. He further stated that he would support a new legislation that addresses the original intent of the legislation, which did not address the line-item veto authority.

Several council members raised concerns over President Begaye's use of the line-item veto authority to remove Conditions of Appropriations that were approved by the Council in the FY2016 Comprehensive Budget in September.

COA's are defined in Title 12, Section 810(l), which states that "Conditions of Appropriation or Expenditure means a specific contingency placed on an appropriation by the Navajo Nation Council at the time the appropriation is made creating legal conditions precedent to the expenditure of funds. Appropriated funds or any other funds received by the Navajo Nation on which a condition of appropriation or expenditure is placed may not be lawfully expended until the condition of appropriation or expenditure is met. It is the responsibility of the Controller to ensure that funds are expended in accordance with the conditions placed on the appropriation or expenditure."

Delegate Shepherd recalled that a large number of voters, who voted against the line-item veto referendum measure in 2009, stated that they were concerned that presidents would begin to abuse the authority in such a manner as President Begaye's recent line-item vetoes.

Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) said President Begaye overreached his authority when he line item vetoed numerous COA's in the FY2016 Comprehensive Budget.

Delegate Tsosie explained that the COA's are intended to hold divisions and departments as well as staff accountable to ensure that they meet performance levels that serve the needs of the Navajo people.

"When the head of the executive branch says 'let me do what I want' then those accountability measures are gone," added Delegate Tsosie. "The president needs to be reasonable. He can't say that 100-percent of legislation is subject to line item veto."

Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill) expressed his concern over public misconceptions and claims made by the President that the Council is attempting to override the voice of the people.

"We are not trying to take away the authority of the president," stated Delegate Witherspoon. "Council has the authority to sanction programs and to hold them accountable through COA's. To try to take our authority away [by line-item vetoing COA's] is the reason why we're adding this language."

Council Delegate Jonathan Perry (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Tse'ii'ahi, Whiterock), was one of several delegates who recommended that the Council address the original legislation that did not include any language addressing the line-item veto authority.

"When we have a tug-of-war between the branches of government, we hurt the Navajo people," stated Delegate Perry, who also shared his disappointment with misleading information distributed by the Office of the President this week and called for better communication from President Begaye.

"I would ask OPVP to be very careful about what they put out and not to mislead the public," said Delegate Perry. "We want the president to be more open and have more communication with us. We need to keep our people in mind and not which branch of government has more power. We need to communicate with one another on this issue and decide how we move forward together."

Council Delegate Nelson BeGaye (Lukachukai, Rock Point, Round Rock, Tsaile/Wheatfields, Tsé Ch' izhi) raised a question over whether or not the override, if approved by Council, would change what voters approved through the referendum measure in 2009.

Attorney General Ethel Branch described the 2009 referendum language as “ambiguous” due to the lack of definition of the terms “budget items” as opposed to “budget line items.” She added that she believes amendments or clarification to the line-item authority should be brought back to the public for consideration.

Chief Legislative Counsel Levon Henry said the Council has the authority to introduce legislation to clarify the laws of the Navajo Nation, including the president’s line-item veto authority.

“This amendment would clarify the initiative language, so going forward the council, president, and vice president know what this language means,” said Henry. “We need to make it clear so the government can move forward.”

Council Delegate Amber Kanazbah Crotty (Beclabito, Cove, Gadi’i’áhi/To’Koi, Red Valley, Tooh Haltsooi, Toadlena/Two Grey Hills, Tsé ałnáoz’t’l’í) said that any changes to the law should be left to the Navajo people, while urging her Council colleagues to consult with their constituents on the matter.

“We have to be very cautious,” Delegate Crotty said. “I think the debate should be over whether there’s room for compromise.”

After the lengthy discussion, Naabik’iyátí’ Committee members voted 10-7 to accept the report.

Following the report, the committee members voted 10-8 in support of Legislation No. 0398-15, which now moves on to the Council for final consideration. The bill will require two-thirds approval, or 16 supporting votes, to override the president’s veto of Resolution CO-46-15.

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