



## 23RD NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

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### **FOR IMMEDIATE RELEASE**

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### **Budget and Finance Committee recommends amending the Navajo Nation Appropriations Act to clarify the line-item veto authority**

**WINDOW ROCK** – The Budget and Finance Committee met Tuesday evening to consider Legislation No. 0046-17, which recommends an amendment to N.N.C. Title 12 Navajo Nation Appropriations Act to add language that would exclude “Conditions of Appropriations,” or COA’s, from being subject to line-item vetoes.

According to N.N.C. Title 12 § 810, COA’s are defined as “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.”

The code goes on to state that “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.”

BFC vice chair and legislation sponsor Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinõn, Whippoorwill) said during the Navajo Nation FY2016 budget session, he recommended three COA’s for departments in hopes of improving program performance and increasing accountability in the expenditure of allocated funds.

“This amendment allows for the Council to be able to provide COA’s to hold individuals and departments accountable. The legislation is to assert the ability of the Council to be able to offer COA’s to assist the Nation in being more accountable and provide checks and balances for the funds we provide to them,” said Delegate Witherspoon.

Delegate Witherspoon added that the BFC worked with and agreed to COA’s with the Executive Branch staff during the FY2016 budget session, as well as a 10-percent budget withholding from programs that do not complete the COA within a stated timeframe, which was recommended language by the Office of Management and Budget. However, President Begaye line-item vetoed the 10-percent withholding language in the COA’s.

The legislation states that amending the act is a two-step process: 1. The Budget and Finance Committee must approve a recommendation to amend the Appropriations Act through

legislation, and 2. The recommendation is then introduced as a bill and will be considered by the Law and Order Committee, Naabik'íyáti' Committee, and the Navajo Nation Council.

Speaker of the 23<sup>rd</sup> Navajo Nation Council LoRenzo Bates (Nenahnezad, Newcomb, San Juan, T'iis Tsoh Sikaad, Tse'Daa'Kaan, Upper Fruitland) said when the 2009 referendum was passed by Navajo citizens to allow the presidential line-item veto authority, it did not apply to accountability measures such as COA's.

"I know the President is asking to let the people decide, and the people did decide—it was for budget items, not COA's. That's all that Delegate Witherspoon is trying to clarify," said Speaker Bates. "[COA's] are utilized to hold programs and divisions accountable and gets them to be able to come forth with solutions to address deficiencies within their programs."

Speakers Bates said that the legislation does not seek to take away the President's line-item veto authority, and invited President Begaye to participate in the discussion of the proposed recommendations to the Appropriations Act.

President Begaye was not present at the BFC meeting, but Vice President Jonathan Nez did attend the meeting on behalf of the Office of the President and Vice President.

BFC chair Council Delegate Seth Damon (Bááháálí, Chichiltah, Manuelito, Tsé Lichíí', Rock Springs, Tsayatoh) said if President Begaye can guarantee he will sit down with Council in developing the COA's during the budget season, the BFC would be open to working with the OPVP.

"I don't think clarifying the COA's limits the President's authority, I think it strengthens the oversight and OPVP's direction to say 'programs need to implement things in the long-haul or we won't get these things done for our Navajo people,'" said Delegate Damon.

BFC member Council Delegate Tom Chee (Shiprock) voiced concern regarding the conflicting perspectives of the Legislative and Executive Branches, and said both sides need to sit down and find common ground regarding the COA issue.

"Sometimes you come across skeletal remains of two deer who have gotten into a fight, the antlers get tangled, they both can't get free, and then they both starve to death," said Delegate Chee. "We need to get together during the budget season before anything is approved, and iron the issues out—not after the fact, because I think that's where some of these issues come to surface."

BFC members voted 3-2 to approve Legislation No. 0046-17, and the BFC serves as final authority on the bill.

The legislation to amend the Appropriations Act will be introduced at a later date, and the Navajo Nation Council would serve as the final authority on the proposed bill.

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