

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0154-19_____ SPONSOR: Otto Tso

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

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0154-19

DATE: June 11, 2019

TITLE OF RESOLUTION: 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

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.

5-DAY BILL HOLD PERIOD: None

Website Posting Time/Date: _____

Posting End Date: 6/22/19

Eligible for Action: 6/23/19

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'iyáti' 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'iyáti' 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.

- 1 B. On November 1, 2006, the 20th Navajo Nation Council unanimously passed
2 Legislation No. CN-57-06 authorizing the Navajo Nation Attorney General to file a
3 lawsuit against the United States for alleged breach of its fiduciary duties to the
4 Nation arising under treaties, executive orders, public laws, statutes, regulations, and
5 contracts due to its mismanagement of the Nation's tribal trust assets, including tribal
6 trust funds and select tribal resource. *See* CD-68-14.
- 7 C. On December 29, 2006, the Navajo Nation, under the 2 N.N.C. § 1964(F) authorities
8 of the Navajo Nation Attorney General, filed suit against the United States in the
9 Court of Federal Claims titled *Navajo Nation v. United States*, No. 06-945L, seeking
10 monetary damages from the United States for its mismanagement of Navajo tribal
11 assets. *Id.*
- 12 D. On May 16, 2014, the United States made a settlement offer to the Nation that the
13 Nation's Attorney General, outside legal counsel, the Task Force, and the Office of
14 the President and Vice-President determined to be in the best interests of the Navajo
15 Nation. *Id.*
- 16 E. On May 30, 2014, the settlement was adopted by the Navajo Nation Council through
17 Resolution No. CMY-28-14 and signed into law by the President of the Navajo
18 Nation on June 4, 2014. *Id.*
- 19 F. On December 23, 2014, the Navajo Nation Council established the Síhasin Fund and
20 the Navajo Nation President signed the enactment into law on December 31, 2014
21 through CD-68-14 designating that all proceeds and earnings received through the
22 settlement of *Navajo Nation v. United States*, shall be put into this fund.
- 23 G. The Navajo Nation Council established the Síhasin Fund for the purpose of providing
24 "financial support and/or financing for:
- 25 1) The planning and development of economic development and regional
26 infrastructure supporting economic development and community
27 development, including such infrastructure as, but not limited to, housing,
28 commercial and government buildings, waterline, solid waste
29 management development, powerline projects, and transportation and
30 communication systems, within the Navajo Nation; and

- 1 2) Education opportunities for members of Navajo Nation; and
2 3) Leveraging the Fund by way of guaranteeing loans, match funding, direct
3 funding in part, and other weighted uses of the Fund shall be favored over
4 direct funding in whole.” 12 N.N.C. § 2502.

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

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

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

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

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

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

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

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

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

29 B. The Naabik’íyáti’ Committee shall review and evaluate any further Public
30 Hearing comments and recommendations from the Navajo People, if necessary.

1 C. The Naabik'íyáti' Committee shall recommend to Navajo Nation Council
2 financial support and/or financing plan(s) for the purposes set out in 12 N.N.C. §
3 2502.

4 D. The Naabik'íyáti' Committee shall oversee the Síhasin Funds until the funds are
5 depleted or until otherwise directed by the Naabik'íyáti' Committee.
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7 **SECTION FOUR. APPROVAL**

8 A. The Navajo Nation hereby dissolves the Síhasin Fund Subcommittee as established
9 by NABIAP-20-15 attached as **Exhibit A**.

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

11 C. The Navajo Nation hereby establishes the Naabik'íyáti' Committee as the oversight
12 committee of the Síhasin Fund with the authorities established in Section Three of
13 this resolution.
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