

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0016-22_

SPONSOR: Mark A. Freeland

TITLE: An Action Relating to Resources and Development and Naabik'iyáti' Committees and Navajo Nation Council; Extending the Time for a Limited Waiver of Sovereign Immunity to Allow the Navajo Nation to be Sued in Federal District Court Regarding Compliance with the National Environmental Protection Act in Carrying Out the United States Department of Housing and Urban Development Grants and Authorizing the President of the Navajo Nation to be the Certifying Tribal Official to Execute Form 7015.15 through September 30, 2025

Date posted: January 21, 2022 at 6:22PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0016-22

DATE: January 10, 2022

TITLE OF RESOLUTION: A PROPOSED NAVAJO NATION COUNCIL AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; EXTENDING THE TIME FOR A LIMITED WAIVER OF SOVEREIGN IMMUNITY TO ALLOW THE NAVAJO NATION TO BE SUED IN FEDERAL DISTRICT COURT REGARDING COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL PROTECTION ACT IN CARRYING OUT THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANTS AND AUTHORIZING THE PRESIDENT OF THE NAVAJO NATION TO BE THE CERTIFYING TRIBAL OFFICIAL TO EXECUTE FORM 7015.15 THROUGH SEPTEMBER 30, 2025

PURPOSE: This resolution, if approved, will approve the extension of a limited waiver of sovereign immunity to allow the Navajo Nation to be sued in Federal District Court regarding compliance with NEPA in carrying out HUD grants and also approve the Navajo Nation President to sign Form 7015.15 through September 30, 2025.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: _____
Posting End Date: 01-26-22
Eligible for Action: 01-27-22

Resources & Development Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL -- Fourth Year, 2022

3
4 INTRODUCED BY

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7 (Prime Sponsor)

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9 TRACKING NO. 0016-22

10
11 AN ACTION

12 RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI'
13 COMMITTEES AND NAVAJO NATION COUNCIL; EXTENDING THE TIME FOR
14 A LIMITED WAIVER OF SOVEREIGN IMMUNITY TO ALLOW THE NAVAJO
15 NATION TO BE SUED IN FEDERAL DISTRICT COURT REGARDING
16 COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL PROTECTION ACT IN
17 CARRYING OUT THE UNITED STATES DEPARTMENT OF HOUSING AND
18 URBAN DEVELOPMENT GRANTS AND AUTHORIZING THE PRESIDENT OF
19 THE NAVAJO NATION TO BE THE CERTIFYING TRIBAL OFFICIAL TO
20 EXECUTE FORM 7015.15 THROUGH SEPTEMBER 30, 2025

21
22 BE IT ENACTED:

23 **SECTION ONE. AUTHORITY**

- 24 A. The Resources and Development Committee ("RDC") is established as a standing
25 committee of the Navajo Nation Council with oversight over housing for the purposes of
26 establishing policies and legislation appropriate to the housing needs of the Navajo Nation.
27 2 N.N.C. §§ 500 (A) and 500 (C)(3).
- 28 B. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation Council
29 standing committee and is empowered to coordinate all federal programs with the Navajo
30

1 Nation government to provide efficient services to Navajo members. 2 N.N.C. §§ 700 (A),
2 701 (A)(4), 701 (A)(6), and 701 (A)(4).

3 C. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo Nation
4 standing committee and as such proposed legislation that require final action by the Navajo
5 Nation Council shall be assigned to the Naabik'íyáti' Committee. 2 N.N.C. §§ 164 (A)(9),
6 700 (A).

7 D. Enactments of positive law must be reviewed and approved by resolution by the Navajo
8 Nation Council. 2 N.N.C. § 164(A).

9
10 **SECTION TWO. FINDINGS**

11 A. Resolution CJA-13-00, approved a limited waiver of sovereign immunity allowing the
12 Navajo Nation to be sued in Federal District Court regarding compliance with the National
13 Environmental Protection Act (NEPA) in carrying out the United States Housing and
14 Urban Development (HUD) grants and further authorized the Navajo Nation President to
15 sign Form 7015.15 for HUD funded projects through Fiscal Year 2004. The Board of
16 Commissioners of the Navajo Housing Authority through Resolution NHA-4970-2020,
17 attached as **Exhibit A**, requests approval of extension of the limited waiver of sovereign
18 immunity.

19 B. There have been four similar resolutions granting approval of the limited sovereign
20 immunity and authorizing the President of the Navajo Nation to sign Form 7015.15. *See*
21 *CAP-21-05; CAP-15-10; CJA-03-14 and CO-57-17.*

22 C. The HUD Environmental Review requirements require an authorized tribal official to
23 execute HUD Form 7015.15 "Request for Funds and Certification," consenting to suit in
24 Federal District Court regarding compliance with the NEPA, in carrying out the grants.

25 D. It is within the best interest of the Navajo Housing Authority to authorize the extension of
26 a limited waiver of sovereign immunity to allow the Navajo Nation to be sued in Federal
27 District Court regarding compliance with NEPA in carrying out HUD grants and
28 authorizing the Navajo Nation President to sign Form 7015.15 through September 30,
29 2025.

1 **SECTION THREE. AUTHORIZING THE EXTENSION OF A LIMITED WAIVER**
2 **OF SOVEREIGN IMMUNITY AND THE PRESIDENT TO SIGN FORM 7015.15**
3 **THROUGH SEPTEMBER 30, 2025**

4 The Navajo Nation hereby authorizes the extension of a limited waiver of sovereign
5 immunity to allow the Navajo Nation to be sued in Federal District Court regarding compliance
6 with NEPA in carrying out HUD grants and also authorizes the Navajo Nation President to
7 sign Form 7015.15 through September 30, 2025.

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