

THE NAVAJO NATION
LEGISLATIVE BRANCH
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LEGISLATION NO: _0277-23_

SPONSOR: Rickie Nez

TITLE: An Action Relating to Resources and Development Committee and Naabik'iyáti' Committee; Amending NABIJY-32-20 which approved a contract on behalf of the Navajo Nation between the Navajo Agricultural Products Industry, INC.(NAPI) and the United States Department of the Interior for the Operation and Maintenance, On-farm Development, and Agricultural Testing and Research Laboratory on the Navajo Indian Irrigation Project

Date posted: December 28, 2023 at 6:13PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0277-23

DATE: December 21, 2023

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIJY-32-20 WHICH APPROVED A CONTRACT ON BEHALF OF THE NAVAJO NATION BETWEEN THE NAVAJO AGRICULTURAL PRODUCTS INDUSTRY, INC. (NAPI) AND THE UNITED STATES DEPARTMENT OF THE INTERIOR FOR THE OPERATION AND MAINTENANCE, ON-FARM DEVELOPMENT, AND AGRICULTURAL TESTING AND RESEARCH LABORATORY ON THE NAVAJO INDIAN IRRIGATION PROJECT

PURPOSE: The purpose of this legislation is to approve amendments to NABIJY-32-20. Amendments would include changing, throughout the Resolution, the citation of 25 U.S.C. § 450 *et seq.* (Indian Self-Determination and Education Assistance Act, P. L. 93-638, as amended) to 25 U.S.C. § 5301 *et seq.* (Indian Self-Determination and Education Assistance Act, P. L. 93-638, as amended). An amendment would also remove the *Bureau of Reclamation (BOR)* after *Department of the Interior* in Section Three of the Resolution.


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 M.M.K. III
Website Posting Time/Date _____
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Eligible for Action: 01-3-24

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 25th NAVAJO NATION COUNCIL – First Year, 2023

3
4 INTRODUCED BY

5
6 
7 _____
8 Rick Nez
9 (Prime Sponsor)

10 TRACKING NO. 0277-23 

11 AN ACTION

12 RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE AND
13 NAABIK'ÍYÁTI' COMMITTEE; AMENDING NABIJY-32-20 WHICH APPROVED
14 A CONTRACT ON BEHALF OF THE NAVAJO NATION BETWEEN THE NAVAJO
15 AGRICULTURAL PRODUCTS INDUSTRY, INC. (NAPI) AND THE UNITED
16 STATES DEPARTMENT OF THE INTERIOR FOR THE OPERATION AND
17 MAINTENANCE, ON-FARM DEVELOPMENT, AND AGRICULTURAL TESTING
18 AND RESEARCH LABORATORY ON THE NAVAJO INDIAN IRRIGATION
19 PROJECT

20
21 BE IT ENACTED:

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23 **SECTION 1. AUTHORITY**

- 24 A. The Resources and Development Committee is the oversight committee for the
25 Navajo Agricultural Products Industry, Inc. 5 N.N.C. 1604.
26 B. The Naabik' iyáti' Committee is authorized to approve contracts with the United
27 States Department of Interior for the implementation of the Indian Self-
28 Determination and Education Assistance Act, 25 U.S.C. §450 *et seq.* (P. L. 93-638
29 as amended). 2 N.N.C. §701(A) (12).
30

1 **SECTION 2. FINDINGS**

2 A. On July 19, 2020, the Naabik'íyáti' Committee approved resolution NABIJY-32-
3 20, AN ACTION RELATING TO RESOURCES AND DEVELOPMENT
4 COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE; APPROVING AND
5 AUTHORIZING A CONTRACT ON BEHALF OF THE NAVAJO NATION
6 BETWEEN THE NAVAJO AGRICULTURAL PRODUCTS INDUSTRY, INC.
7 (NAPI) AND THE UNITED STATES DEPARTMENT OF THE INTERIOR
8 UNDER 25 U.S.C. §§ 450 ET SEQ. (P. L. 93-638 INDIAN SELF-
9 DETERMINATION AND EDUCATION ASSISTANCE ACT, AS AMENDED)
10 FOR THE OPERATION AND MAINTENANCE, ON-FARM
11 DEVELOPMENT, AND AGRICULTURAL TESTING AND RESEARCH
12 LABORATORY ON THE NAVAJO INDIAN IRRIGATION PROJECT
13 BEGINNING WITH CALENDAR YEAR 2021 AND SUBSEQUENT
14 CALENDAR YEARS UNDER A MATURE CONTRACT STATUS; AND
15 APPROVING AND AUTHORIZING THE FISCAL YEAR AND SCOPE OF
16 WORK FOR THE PERIOD OF THE CONTRACT TERM. Resolution NABIJY-
17 32-20 (without exhibits) is attached as **Exhibit A**.

18 B. The United States Department of the Interior, Bureau of Indian Affairs, Navajo
19 Regional Office in a memorandum dated November 6, 2023, stated that
20 amendments to resolution NABIJY-32-20 were necessary. The memorandum
21 states: *Tribal Resolution – As part of the submitted documents the resolution was*
22 *reviewed and BIA NRO continues to remind NAPI to amend the resolution, to*
23 *change the referenced citation from 25 U.S.C. §450 et seq. to 25 U.S.C. 5301 et*
24 *seq. in the header, Section One B on page 1 and Section Three A and B on page*
25 *3. The change is to reflect the renumbering of 25 U.S.C. 450 to 25 U.S.C. 5301.*
26 *In addition, the resolution amendment needs to remove Bureau of Reclamation*
27 *(BOR) after Department of the Interior in Section 3.* The BIA memorandum dated
28 November 6, 2023 is attached as **Exhibit B**.

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30 **SECTION 3. AMENDING NABIJY-32-20**

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A. The Navajo Nation Naabik'iyáti' Committee hereby amends NABIJY-32-20 by deleting references to section 450 and inserting section 5301 in its stead as follows:

1. On page one (1) in the title of the Resolution, delete the number 450 and insert 5301 as follows:

DEPARTMENT OF THE INTERIOR UNDER 25 U.S.C. §§ 450 5301 ET SEQ.

2. On page one (1), Section One, AUTHORITY, paragraph "B" of the Resolution, delete the number 450 and insert 5301 as follows:

Indian Self-Determination and Education Assistance Act, 25 U.S.C. §~~450~~ 5301 *et seq.*

3. On page two (2), Section Three, APPROVING A CONTRACT, paragraph "A" of the Resolution, delete the number 450 and insert 5301 as follows:

25 U.S.C. § ~~450~~ 5301 *et seq.* (Indian Self-Determination and Education Assistance Act

4. On page two (2), Section Three, APPROVING A CONTRACT, paragraph "B" of the Resolution, delete the number 450 and insert 5301 as follows:

25 U.S.C. § ~~450~~ 5301 *et seq.* (Indian Self-Determination and Education Assistance Act

B. The Navajo Nation Naabik'iyáti' Committee hereby amends page two (2), Section Three, APPROVING A CONTRACT, paragraph "A" of Resolution NABIJY-32-20 by deleting the words *Bureau of Reclamation (BOR)* after *Department of the Interior* in Section Three of the Resolution as follows:

United States Department of the Interior-~~Bureau of Reclamation~~