

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0067-24_

SPONSOR: Shaandiin Parrish

TITLE: An Action Relating to an Emergency and the Navajo Nation Council; Amending Navajo Nation Council Resolution No. CJY-41-21, Section Seven, to Comply with U.S. Treasury's Obligation Deadlines

Date posted: March 21, 2024 at 10:23PM

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Executive Director
Office of Legislative Services
P.O. Box 3390
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(928) 871-7586

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0067-24

DATE: March 21, 2024

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL; AMENDING NAVAJO NATION COUNCIL RESOLUTION NO. CJY-41-21, SECTION SEVEN, TO COMPLY WITH U.S. TREASURY'S OBLIGATION DEADLINES

PURPOSE: If adopted, this legislation will amend and extend the obligation deadline for NNFRF central support and regulatory services funding to the U.S. Treasury deadline of December 31, 2024.

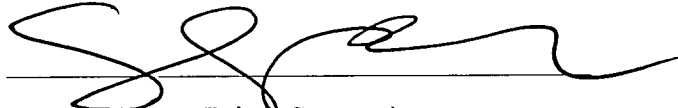
Final Authority: Navajo Nation Council

Vote Required: Simple Majority

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.

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
25th NAVAJO NATION COUNCIL – Second Year, 2024

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0067-24

AN ACTION

RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL;
AMENDING NAVAJO NATION COUNCIL RESOLUTION NO. CJY-41-21, SECTION
SEVEN, TO COMPLY WITH U.S. TREASURY’S OBLIGATION DEADLINES

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).
- B. The Navajo Nation Code provides that “[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council.” 2 N.N.C. § 164(A)(16).
- C. This legislation is offered as an emergency because the Navajo Nation Fiscal Recovery Funds ("NNFRF") allocated in Resolution No. CJY-41-21, Section Seven, for NNFRF central support services and regulatory support services automatically revert to the NNFRF on March 31, 2024 if not expended or obligated pursuant to U.S. Treasury

1 guidance. If this automatic reversion happens, the Navajo Nation’s ability to provide
2 COVID-19 recovery services to Navajo members will be compromised and the
3 employment of Navajo members will be diminished.
4

5 **SECTION TWO. FINDINGS**

- 6 A. The World Health Organization ("WHO") declared a Public Health Emergency of
7 International Concern related to the Coronavirus ("COVID-19"), a highly
8 contagious and sometimes fatal respiratory virus, on January 30, 2020; the U.S.
9 Department of Health and Human Services declared a Public Health Emergency
10 related to the COVID-19 outbreak on January 31, 2020; and the WHO declared a
11 global pandemic due to COVID-19 on March 11, 2020.
- 12 B. The COVID-19 has caused and continues to cause large scale infections and loss
13 of life throughout the world, the United States, and the Navajo Nation. As of
14 October 31, 2023, the Navajo Nation Health Command Operations Center has
15 confirmed 87,075 COVID-19 cases and 2,224 COVID-related deaths on the Navajo
16 Nation.
- 17 C. On July 23, 2021, the Navajo Nation Council adopted Resolution No. CJY-41-21,
18 attached as **Exhibit A**, establishing the Navajo Nation Fiscal Recovery Fund
19 ("NNFRF") into which the Navajo Nation's allocation of federal American Rescue
20 Plan Act ("ARPA") Fiscal Recovery Funds in the amount \$2,079,461,464 have
21 been deposited. Resolution No. CJY-41-21 also adopted an expenditure
22 authorization and approval process for the allocation of funds from the NNFRF.
- 23 D. By accepting the ARPA Fiscal Recovery Funds, the Navajo Nation agreed to
24 comply with rules and guidance issued by the U.S. Department of Treasury ("U.S.
25 Treasury") concerning the use, expenditure and reporting of ARPA Fiscal
26 Recovery Funds.
- 27 E. Resolution No. CJY-41-21, Section Seven, established that, under Navajo law,
28 NNFRF funding allocated for central support services and regulatory services will
29 automatically revert to the NNFRF if not expended by March 31, 2024.
30

1 F. The U.S. Treasury’s 11/09/23 Interim Final Rule on Obligation of FRF authorized
2 the use and expenditure of Fiscal Recovery Funds for personnel costs and other
3 operating costs after the obligation deadline (12/31/2024) when the use and
4 expenditure are related to compliance with federal laws, regulations, and the
5 funding agreement (reporting and compliance requirements; Single Audit costs;
6 record retention and internal control requirements; property standards;
7 environmental compliance requirements; and civil rights and nondiscrimination
8 requirements).

9 G. To ensure that the Navajo Nation takes full advantage of all opportunities to expend
10 NNFRF on costs deemed FRF eligible under U.S. Treasury rules and guidance, it
11 is in the best interest of providing COVID-19 recovery services to the Navajo
12 People to amend CJY-41-21 to comply with U.S. Treasury’s rules and guidance,
13 including the obligation and expenditure deadlines.

14
15 **SECTION THREE. AMENDING SECTION SEVEN OF NAVAJO NATION COUNCIL**
16 **RESOLUTION NO. CJY-41-21**

17 To ensure that the Navajo Nation takes full advantage of all opportunities to expend
18 Navajo Nation Fiscal Recovery Funds on costs deemed FRF eligible under U.S.
19 Treasury rules and guidance, the Navajo Nation hereby amends Section Seven of
20 Resolution No. CJY-41-21 as follows:

21 **SECTION SEVEN. IMMEDIATE ALLOCATION OF NAVAJO NATION**
22 **FISCAL RECOVERY FUNDS TO FUND CENTRAL SUPPORT AND**
23 **REGULATORY SERVICES**

24 A. The Navajo Nation hereby immediately allocates ten percent (10%) of all
25 Fiscal Recovery Funds received by the Navajo Nation to fund central
26 support services and regulatory costs.

27 B. The Office of the President and Vice-President shall be responsible for
28 apportioning ninety percent (90%) of the ten percent (10%) amount
29 amongst Executive Branch programs and offices providing central support
30 and regulatory services, including, the Office of the President and Vice-

1 President, Office of the Controller, Office of Management and Budget,
2 Department of Justice, Navajo Nation Washington Office, Division of
3 Human Resources, Division of Community Development, and other
4 Divisions and offices providing central support and/or regulatory services.

5 C. The Speaker of the Navajo Nation Council, after consultation with the
6 Naabik'iyáti' Committee, shall be responsible for apportioning ten percent
7 (10%) of the ten percent (10%) amount amongst Legislative Branch
8 programs and offices providing central support services, including the
9 Office of Legislative Services, Office of Legislative Counsel, Office of the
10 Speaker, and Navajo Nation Council.

11 D. The programs and offices receiving NNFRF for central support and/or
12 regulatory services shall use such funding to develop the legal, financial,
13 organizational, managerial, administrative, regulatory, and reporting
14 framework, necessary to support the expeditious completion of NNFRF
15 funded projects and the provision of NNFRF funded services.

16 E. The detailed budgets for the NNFRF funding allocated here for central
17 support and regulatory services shall be processed through the executive or
18 administrative review process applicable to each Branch and shall not
19 require further legislative action.

20 F. ~~Any central support and/or regulatory services funding unspent or~~
21 ~~unencumbered at the end of the second quarter of Fiscal Year 2024 shall be~~
22 ~~reallocated to the NNFR and be available for allocation to other NNFRF~~
23 ~~projects and services.~~

24 F. NNFRF funding for the offices and programs providing central support
25 services and/or regulatory services must be obligated and expended
26 pursuant to U.S. Treasury rules and guidance, as amended.

27 28 **SECTION FOUR. EFFECTIVE DATE**

29 The provisions of this Act shall become effective in accordance with 2 N.N.C. §221(B)
30 and with 2 N.N.C. §164(A)(17).

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SECTION FIVE. SAVINGS CLAUSE

If any provision of this Act is determined invalid by the Supreme Court of the Navajo Nation or by any Navajo Nation District Court, without appeal to the Navajo Nation Supreme Court, the remainder of this Act shall remain valid as the law of the Navajo Nation.