



23RD NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

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Council members concerned over line-item vetoes

WINDOW ROCK – Members of the Navajo Nation Council applauded the signing of Council Resolution CN-58-16 by President Russell Begaye, which approved several amendments to the Navajo Nation’s fiscal year 2017 Comprehensive Budget to provide additional funding to benefit senior citizens, chapters, grazing officials, Department of Diné Education, the Judicial Branch, and other programs. The Council approved the resolution during a special session held on Nov. 17.

Council members also expressed concerns over President Begaye’s use of the line item veto authority to overstrike language pertaining to several Conditions of Appropriations and funding for the Navajo Election Administration that was intended to fund a special election in Jan. 2017, to allow the Navajo people to vote on a referendum measure that may provide \$216 million for a Transportation Stimulus Plan to improve existing roads and construct new roads in each of the five Navajo agencies.

The Council approved the Transportation Stimulus Plan referendum on Oct. 27, and subsequently approved approximately \$296,000 to fund the referendum election, which was included in Resolution CN-58-16. The referendum became law after President Begaye did not take action within the ten-calendar day timeframe, in accordance with Navajo Nation law.

Navajo Election Administration executive director Edison Wauneka, said the president’s action to veto the \$296,000 leaves the NEA with no funds to hold the referendum election. If the election is not funded, it may lead to a violation of the Navajo Nation’s Election Code, which requires the NEA to hold referendum elections within 90-days of the approval of a referendum measure.

In his line item veto message dated Dec. 3, 2016, President Begaye states, “the NEA has received its needed appropriation for the election,” referencing approximately \$510,000 that the NEA had previously received. However, Wauneka pointed out that the entire \$510,000 was used to fund the Navajo Nation’s general election held on Nov. 8, and that it was not intended for the upcoming referendum election in January.

Speaker LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse’Daa’Kaan, Upper Fruitland) said the president’s action to overstrike funding for the referendum measure creates an unfunded mandate and prohibits the Navajo people from participating in an election that directly impacts many Navajo communities throughout the Navajo Nation.

“The Council put forth this referendum measure to give a voice to the people and their voices may be denied by President Begaye’s actions if the funding is not secured,” said Speaker Bates.

During Council’s consideration of the Comprehensive Budget in Sept., delegates also approved a total of 18 Conditions of Appropriations for various departments, divisions, and programs to hold staff accountable for meeting specific goals within certain timeframes.

COA’s are defined in the Navajo Nation’s Budget Instructions Manual 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. 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.”

The resolution passed by the Council in Sept., stated that if programs did not meet their goals within those timeframes, 10-percent of their operating budget would be withheld. However, President Begaye used the line item veto authority to eliminate the 10-percent withholding language, stating that it would impact direct services for the public.

“The Council approved the COA’s to be used as an accountability measure to ensure that programs and staff provide adequate services to the Navajo people,” said Speaker Bates. “The president’s used of the line item veto authority remains a major concern for the Council.”

The presidential line-item veto authority was granted through a referendum in 2009, giving the president the authority to veto “budget line items” in the annual budget and supplemental appropriations. Furthermore, the line-item veto authority states, “The veto of a budget line-item shall only be to the numeric appropriated dollar amount.”

Speaker Bates said the language of the line item veto authority approved by the Navajo people in 2009 does not reference Conditions of Appropriations, and there remains a need to clarify the presidential line item veto authority.

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