Speaker's Report

2017 Summer Council Session

Honorable LoRenzo Bates

23rd Navajo Nation Council

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23rd Navajo Nation Council
Summer Council Session
July 2017

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Message from Speaker LoRenzo Bates

Yá'át'ééh and welcome my colleagues of the 23rd Navajo Nation Council, President Russell Begaye, Vice President Jonathan Nez, chapter officials, federal, state, and county officials, legislative staff, and most importantly, to our Diné Citizens. Thank you for joining us as we welcome you to the 2017 Summer Council Session.

I would also like to extend a special welcome to our horse and bike riders, and runners. Sunday marked the beginning of the 2017 Summer Council Session with the annual horse ride, bike ride, and running event. Horse and bike riders, as well as runners, joined Council members on Sunday at the Window Rock fair grounds for the annual horse and bike-riding event. Over the week, riders and runners began their journey from their respective chapter areas, upholding the tradition started many years ago by previous Navajo leaders.

In the past, community leaders and Council members rode on horse back or in horse-drawn wagons from their home areas to the Council Chamber, bringing with them their community issues and concerns. The tradition has continued annually in which leaders and Diné citizens ride to Window Rock to observe Navajo policy making at the central government level.

As we begin the session and as we receive numerous reports and deliberate over legislations, I would like for us to remember that we are now in the summer season – for our people, it is a time of gardening and tending to our livestock. We have re-entered our newly renovated Council Chamber and this too represents a significant sign of progress and renewal.

Over the last several months, the Navajo Nation has encountered challenges related to our Nation's current and upcoming budgets due to anticipated revenue shortfalls, federal budget cuts, and the possible closure of the Navajo Generating Station.

Although these issues may seem daunting, I believe it also challenges us as leaders to rise to a new level of ingenuity and creates an opportunity to be innovative, and to pursue new ways of providing for and empowering our people.

On June 26th, Council reached a milestone by approving the replacement lease with the Navajo Generating Station. The lease provides the opportunities for our Navajo citizens to have jobs and secure their family finances, and allows our Nation to explore new ventures.

As we proceed with our agenda for the Summer Session, I ask my colleagues to be mindful and to remember that our people have always overcome challenges and persevered. I am confident that the 23rd Navajo Nation Council will continue to make progress on our priorities and overcome adversities. On behalf of the 23rd Navajo Nation Council, I again thank our Diné Citizens and many others for your contributions and continued support.

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LoRenzo Bates, *Speaker*
23rd Navajo Nation Council

Navajo Generating Station

During a special session held on June 26th, the Navajo Nation Council voted in support of Legislation No. 0194-17, approving a lease between the Navajo Nation and the owners of the Navajo Generating Station to allow the operations of the power plant to continue until December 2019. The NGS owners subsequently signed the lease agreement, which was also signed by the President on July 1st.

The agreement secures over 800 jobs for Navajo workers at NGS and Kayenta Mine, and secures significant revenue for the Nation through 2019. In addition, it allows time to continue pursuing other energy developments including renewable energy and other economic opportunities.

Other benefits include $110 million in lease payments to the Navajo Nation, the acquisition of assets at the NGS site that the Nation would retain to promote economic development projects, including the railroad track and related facilities, a lake pump facility, two electrical distribution lines, and fencing and equipment, $18 million from the owners for the cost savings of not having to decommission the assets, and $39 million in minimum coal royalties for 2018 and 2019 combined.

Additionally, the Nation would have the ability to utilize the two transmission lines to sell electricity on the open market to generate additional revenue for the Nation.

Summer Youth Employment Funding

On June 19th, the Navajo Nation Council approved nearly $2.2 million to employ as many as 50 high school and college students at each of the Navajo Nation's 110 chapters this summer. President signed the Council resolution on July 1st. Council Delegate Seth Damon sponsored the legislation.

The allocations will allow our Navajo students to gain work experience and allow them to use their earnings for college tuition, school supplies, school clothes, or other educational expenses.

Each chapter may receive up to $35,000 based upon the contingency of the chapter's current available balance for summer youth employment. Chapters with $35,000 or more in their youth employment account will not be eligible to receive additional funding, and chapters with a negative balance in the account would only receive up to $35,000.

Additionally, supplemental funding shall not be distributed until a chapter's current balance for summer youth employment is depleted, and chapters with a negative balance in the account will be required to bring their account current to receive the supplemental funding.

The supplemental funding of nearly $2.2 million will be distributed to chapters in each agency as follows:

- $341,000 – Chinle Agency
- $563,000 – Eastern Agency
- $561,000 – Fort Defiance Agency
- $292,000 – Northern Agency
- $405,000 – Western Agency

The resolution also directs the Office of Management and Budget, the Office of the Controller, and the Division of Community Development to update the chapter summer youth employment fund balances. As of July 12th, the entities are working together to ensure the timely disbursement of funds to chapters.

Bears Ears National Monument

The Navajo Nation continues to assert our position that Bears Ears be left as former President Obama originally designated it in January.

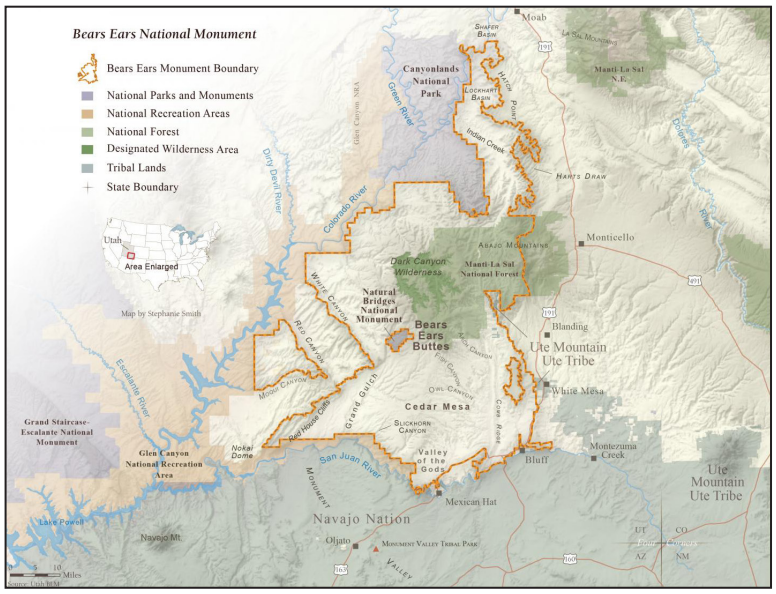

Photo: Map of the Bears Ears National Monument land area and boundaries. (Map courtesy of the Bears Ears Inter-Tribal Coalition)

We have remained diligent in stressing to the federal government and officials that local outside governments do not speak for the Navajo Nation. Secretary of the Interior Ryan Zinke has referenced that a San Juan County Commissioner, who happens to be Navajo, serves as a representative of the Nation – this is a misstatement.

While the Navajo Nation works with county commissioners, these commissioners do not officially speak for the Navajo Nation, and Sec. Zinke's reliance on this commissioner appears to push a certain political agenda that the Navajo Nation and the area tribes are well aware of. We have sent correspondence to the appropriate federal entities to restate our position that the Navajo Nation continues to support the Bears Ears National Monument designation.

The Bears Ears Commission continues to meet regularly each month to discuss strategies to ensure the national monument can begin operations. Although the monument is officially open to the public, the Commission has begun working with the U.S. Forest Service and U.S. Bureau of Land Management to establish a managing office, signage, and regulatory policies to protect sacred land areas, sites, and artifacts.

Council Delegate Davis Filfred, who serves on the commission as the official representative of the Navajo Nation, said that current maps and zoning areas created by the U.S. Department of the Interior's Bureau of

Land Management does not reflect significant cultural sites that are inherently sacred to each respective tribe within the park area. The Commission will seek to ensure the sites are included in the zoning and mapping of the monument.

Honorable Filfred and the Bears Ears Commissioners stated that they would continue to remain involved in the process of establishing a management plan for the national monument. The Office of the Speaker will continue to monitor the issue as information and action takes place.

Navajo Nation Council Chamber

Seven months has passed since the start of the renovation of the Navajo Nation Council Chamber. Keyah Construction continues to work diligently with the goal of completing the renovation by fall 2017.

Photo: Temporary stubs are being installed to prevent moisture from entering the space within the columns, which preserves the space for the permanent logs.

Prior to utilizing the chamber in the spring, the office consulted with the Navajo Nation Historic Preservation Department and the Navajo Nation Human Rights Commission regarding the proper traditional procedure to reenter and utilize the building.

The construction team successfully completed Phase I and Phase II. Phase I involved the design and planning, while Phase II focused on the interior renovation from the remodeling of the council floor, gallery, and staff gallery to the replacement of windows in the high wall area. The remodeling of the interior was initiated to comply with the Americans with Disability Act accessibility guidelines for public buildings.

When the 2017 Summer Council Session adjourns, construction will resume for Phase III which involves the replacement of the beams and cantilevers, and reroofing. The existing logs will be replaced with premium logs delivered from the state of Wyoming. Currently, they are being stored until the replacement is ready to occur.

Initially, the construction plan listed 3 vegas and 8 cantilevers for replacement. However, after further inspection, 7 of the 8 vegas and all 8 of the cantilevers needed to be replaced due to deep rotting within the logs. Presently, a few temporary stubs are being installed to prevent moisture from entering the space within the columns.

Due to the historical status of the building, we are working to incorporate historical items. Thus far we have located former Council desks from the early 1960's and they will need to be restored. However, the decision to utilize these former desks lies within the hands of the current Council members.

To ensure that the building continues to comply with guidelines outlined by the Federal Preservation Laws, the NNHPD has been involved to ensure the laws and guidelines are met and we will continue to work with them until the project is completed and the historical status of the building is preserved.

New Mexico Budget and Capital Outlay

On May 24th, the New Mexico Legislature began the 1st Special Session for 2017. The intent of the session was to approve a balanced budget for fiscal year 2018 and to stabilize the reserve balance.

During the special session, 16 bills were introduced, and of the bills introduced none of them adversely affected the Navajo Nation.

The New Mexico Senate and House of Representatives commenced the session by voting on a bill that sought to override Governor Susana Martinez's line item vetoes in the budget that was passed by both the Senate and House during the regular session.

Governor Martinez vetoed a total of $744.8 million, which would have provided funding for all New Mexico colleges and universities, the entire legislative branch of the state government, and specific health care programs.

The motion to override these vetoes failed 26-15 in the Senate. The motion required 28 votes to reach the two-thirds requirement. The motion also failed 39-29 in the House, which would have required 46 votes to succeed.

During the first session of the 53rd Legislature of the State of New Mexico, Governor Martinez vowed to veto any tax increase proposals. Governor Martinez remained committed to her position and used her veto authority to veto portions of Senate Bill 1 and Senate Bill 2, which proposed tax increases.

Capital Outlay was not discussed during this session. However, the overhaul of the Capital Outlay process discussion will begin during the interim meetings. So far this topic has not been scheduled.

The New Mexico Legislature's interim committees convene between sessions to examine a broad range of issues and prepare for the next legislative session.

New Mexico Real ID Act

Over a year ago, Governor Susana Martinez signed House Bill 299, also referred to as the Real ID Act. The Act requires all New Mexico residents, including Navajo tribal members residing in the State of New Mexico to renew driver's licenses and identification cards to comply with new federal regulations. As of November 14, 2016, the New Mexico Motor Vehicle Division (NMMVD) began issuing driver's licenses and identification cards for their New Mexico citizens.

Prior to implementing the new regulation, the New Mexico Taxation and Revenue Department did not foresee any issues that may affect tribal members. Since the bill has been authorized, the Office of the Speaker has received numerous concerns from Navajo Nation chapters and citizens within New Mexico Navajo area.

The new requirements include:

1. Birth Certificate
2. Social Security Card
3. Two-forms of proof of residency (with a street addresses)

The first and third requirements have specifically affected tribal members who do not have a birth certificate and/or street address. Many Native American elders were born at home and the paperwork to establish a birth certificate were never filled out. Residency is also an issue for many of our constituents due to the lack of physical addresses. The process of obtaining these documents has been challenging.

To address these issues New Mexico Lobbyist Firm, MJS Consulting met with NM Tax and Revenue Department Cabinet Secretary John Monforte and Deputy Secretary Alicia C. Ortiz to identify possible solutions to prevent further delay in obtaining a NM State ID or driver's license.

Sec. Monforte suggested looking at alternative forms of acceptable documentation options to resolve proof of residency issues for tribal members. For doing so, Sec. Monforte would also like to obtain input from the Navajo Nation on suggestions for alternative forms for proof of residency that will conform to the enacted law.

Meanwhile, the NM Tax and Revenue Department is collaborating with New Mexico Vital Statistic Office, Navajo Nation Vital Statistic Office, and New Mexico Indian Affairs Department to cross reference birth information and find solutions to similar problems they may be encountering.

The Office of the Speaker will continue to work closely with MJS Consulting and provide updates and address other concerns as they arise.

San Juan County, Utah – Voting Rights Litigation

In 2011, the Navajo Nation Human Rights Commission was engaged in redistricting meetings that affect the Navajo people. In the state of Utah, it became clear that San Juan County had not redistricted its election districts for its county commission. The NNHRC sought the county to redistrict its elections districts, but the county commission made the unilateral decision to adopt a plan that violates the 1965 Voting Rights Act.

The Navajo Nation did not have any other option but to file a complaint against San Juan County for not redistricting the county commission seats fairly. The Navajo Nation filed its suit based on San Juan County Commissions and San Juan County schools failing to comply with the Equal Protection Clause of the United States Constitution and Section 2 of the Voting Rights Act.

The Navajo Nation prevailed in its lawsuit against San Juan County where the court determined that the county violating the voting rights of the Navajo people. The Navajo Nation and San Juan County submitted remedial plans where Navajo people can elect 2 candidates of their choice for the county commission seat and 3 candidates for the school board.

To the Navajo Nation's dismay, the San Juan County filed court documents that continue to violate the voting rights of the Navajo people. The Nation is hopeful that the federal district court Judge Robert J. Shelby will issue an order in this matter; the judge has been waiting on the United States Supreme Court decisions on the matter of 1) *Cooper v. Harris* and 2) *Bethune-Hill v. Virginia State Board of Elections*.

In Feb. 2016, in addition to the litigation above, the NNHRC is a named plaintiff along with seven Navajo voters against San Juan County in a mail-in balloting lawsuit. While going through discovery in the redistricting lawsuit, the Navajo Nation found piles of envelops that were returned to the San Juan county clerk's office. These letters were undeliverable to Navajo voters in San Juan County which elevated concerns about the electoral system instituted in southeastern Utah. The county violated equal access to voting places and the county no longer provided language assistance as required by Section 203, of the Voting Rights Act.

The county drastically reduced language assistance provided to non-English speaking Navajo voters. Moreover, the county closed all but one polling place and kept the county seat in Monticello, UT open on Election Day. The NNHRC learned that language assistance became more ineffective because non-English speaking voters are left to seek family members to interpret for them when reviewing their ballots. It is the county's statutory responsibility to provide language assistance to Navajo voters, not family members.

Since the filing of the lawsuit, the plaintiffs were countersued where the county alleged that the plaintiffs essentially conspired to sue the county. Both the defendants and the plaintiffs have completed depositions.

It should be pointed out that the Navajo plaintiffs submitted settlement offers on various occasions throughout the suit. Unfortunately, San Juan County rejected all of the settlement offers presented by the plaintiffs. Some of the settlement issues included:

1. Reopen polling places on the Navajo Nation; the county reopened two locations within the Utah Navajo area since the lawsuit was filed, but additional polling sites are needed
2. Proper training needs to be provided to the Navajo language assistance personnel because it was demonstrated that the county does not provide a standardized training to its staff; and
3. Satellite offices need to be opened within the Utah Navajo area and located much similar to other counties like in Arizona and New Mexico.

The Navajo plaintiffs were very disappointed that the County did not agree to any of the settlement offers from the Navajo Nation. There is a court hearing on the mail-in balloting suit on July 26, 2017 in Salt Lake City regarding:

- Summary judgment requested by the defendants
- Summary judgment requested by the plaintiffs and;
- County claim against the plaintiffs.

Naabik'íyáti' Sexual Assault Prevention Subcommittee

The Naabik'íyáti' Committee's Sexual Assault Prevention Subcommittee has continued to work diligently on issues relating to sexual violence prevention and has fostered new relationships with entities that seek to develop policy solutions to addressing sex crimes.

In May, SAP Subcommittee chair Council Delegate Amber Kanazbah Crotty was invited to provide a written and oral testimony to the U.S. Senate Committee on Indian Affairs regarding the S. 772, a bill that would amend the PROTECT Act to make Indian tribes eligible for grants to implement "America's Missing: Broadcast Emergency Response Alert" systems, or AMBER Alert, within their nations.

U.S. Sen. John McCain (R – AZ), Sen. Tom Udall (D – NM), and Sen. Catherine Cortez Masto (D – NV) participated in the discussion, as well as Jim Walters from the National Criminal Justice Training Center's AMBER Alert Training and Technical Assistance Program, and deputy administrator Eileen M. Garry from the U.S. Department of Justice.

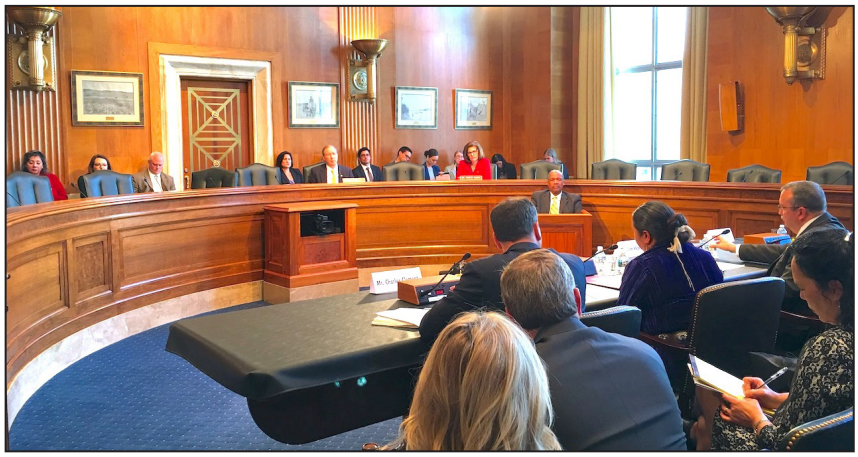

Photo: Council Delegate Amber Kanazbah Crotty, as well as others on a panel, provided testimony during a listening session with the U.S. Senate Committee on Indian Affairs regarding tribes obtaining possible access to AMBER Alert grants, on May 9, 2017 in Washington, D.C.

Honorable Crotty stressed the need to the Senate Committee for the Navajo Nation to obtain its own comprehensive AMBER Alert system in order to remain account-

able and responsible to protect Navajo children rather than relying on state entities.

According to Honorable Crotty's testimony, the primary goal is to streamline the AMBER Alert protocol process by initiating alerts directly from the Navajo Nation, rather than having to coordinate the alert with all three states, which contributes to unnecessary additional time to the alert process.

The Nation's AMBER Alert communication plan and protocol is currently being finalized for the vast area of the 27,000 square-mile Navajo land area, which has approximately 40-percent of "dark zones," or areas that do not have cellular service.

U.S. Rep. Andy Biggs (R – AZ), along with 18 cosponsors (bipartisan effort), introduced H.R. 2666, which has the same intent as Sen. McCain's bill. The bill has been referred to the House Committee on the Judiciary, and no action has taken place and no word of a scheduled hearing has been suggested yet. My office will continue to monitor the bill's activity and updates will be provided as they become available.

Recently, the Naabik'íyáti' Committee unanimously voted in favor to pass Legislation No. 0159-17 to establish the Nation's position to support S. 772, which was sponsored by Honorable Crotty.

I commend the efforts of the SAP Subcommittee for continuing to remain diligent in this effort, and I have full confidence that the subcommittee will see this through.

On June 15, 2017, the SAP Subcommittee and the Health, Education, and Human Services Committee held a joint meeting regarding the development of a sexual assault response plan that would address deficiencies and gaps in sexual assault services, legal processes, and criminal prosecutions.

The joint meeting also provided a Sexual Assault Response Training for SAPS/HEHSC members to become familiar with programs and services that address sexual assault in the New Mexico area of the Navajo Nation. A prior training was held in January 2017 for the Arizona area of the Navajo Nation, and an upcoming training will address the Utah Navajo area in August 2017.

Participants at the joint meeting included the U.S. Attorney's Office, Federal Bureau of Investigation, Navajo Nation Criminal Investigations, Bureau of Indian Affairs, Indian Health Service, other health providers, sexual assault mental and behavioral health providers, victim services, and several sexual assault services programs and organizations that participate in prevention, post-vention, and victim advocacy.

Photo: SAPS/HEHSC members discussing tribal and federal processes regarding sexual assault on the Navajo Nation, in which over 60 participants from various sexual assault programs, federal programs, law enforcement, and health/assault prevention advocacy programs participated in the discussion on June 15, 2017 at Fire Rock Casino in Churchrock, N.M.

Federal officials presented vital information regarding their role in sexual assault cases and answered questions from the committees to aid in their understanding of the

entire processes from the time the crime is reported up until the cases have been closed.

The session also included feedback from the Navajo Nation Criminal Investigations, who work closely with the FBI and U.S. DOJ on sex crimes cases. The cases are generally classified as felony offenses and data information was provided to the committees to read and understand the rates of prosecutions, convictions, and cases that were dismissed.

The health care providers and advocacy organizations presented processes relating to victim services, assault examinations, forensic interviews, counseling programs, and support services. They stressed the importance of trauma-informed care for victims and the subcommittee has begun looking to improving victim services and increase victim advocates throughout the Navajo Nation.

This month, Council Delegate Nathaniel Brown met with the Casey Family Programs in Denver, CO, who work to protect and monitor the welfare of Native American children throughout the nation to begin discussing how the Navajo Nation can begin tackling sex trafficking.

Honorable Brown is sponsoring Legislation No. 0117-17 to amend our Navajo Nation Criminal Code Title 17 to outlaw human and sex trafficking, as well as increase protections for victims and to ensure perpetrators are prosecuted to the fullest extent of Navajo and federal law.

Although this issue is relatively new to us, this problem has existed for many years and the subcommittee has started to work towards bringing light to this critical issue and develop solutions. Recently, the Navajo Nation Department of Family Services informed the SAP Subcommittee they have begun developing policies relating to human trafficking, and have held work sessions to incorporate language into their policies.

Photo: Council Delegate Nathaniel Brown speaking at the 2017 UNITY Conference regarding sex trafficking in Indian Country, in Denver, CO on July 9, 2017.

In working with the CFP's, Honorable Brown and the subcommittee will continue to develop relationships and collect allies that will promote the development of a strategic plan that will involve several Navajo divisions and federal partners relating to health, public safety, and social services.

The CFP were able to coordinate a meeting between Honorable Brown and policy researchers who work with the Mandan, Hidatsa, and Arikara Nation to develop their strategic plan, and hope to mimic the same model that will be implemented on the Navajo Nation.

Although this may prove to be an ongoing and momentous effort, again, I am assured that the SAP Subcommittee is up to the challenge and will work in the best interest of our Navajo citizens.

The protection of our Diné people and children is of the utmost importance, and I want to assure my colleagues that I have the complete confidence that the subcommittee will produce many successful outcomes and continue to champion sexual violence prevention.

Support for "USNS Navajo" U.S. Naval Ship

U.S. Sen. John McCain (R – AZ), chairman for the U.S. Senate Committee on Armed Forces, and ranking committee member Jack Reed (D – RI), announced the completion of the committee's markup of the National Defense Authorization Act for Fiscal Year 2018 in June.

The NDAA contains report language that would support the naming of a new class of Navy tug ships, beginning with the "USNS Navajo." The U.S. Navy has had a longstanding tradition of naming Navy tug and salvage ships after Native American tribes.

In Nov. 2014, the 22nd Navajo Nation Council's Naabik'íyáti' Committee unanimously passed resolution NABIN-63-14, which urged the U.S. Navy to name a T-ATS Class Tug and Rescue-Salvage ship to "USNS Navajo."

I would like to point out that the tremendous efforts of the 22nd Navajo Nation Council was vital in the ship-naming initiative, and the current Council remains in full support for the proposed "USNS Navajo."

The Office of the Speaker issued letters requesting U.S. Congressional members to support the name designation through the Navajo Nation's supporting resolution, and Council is very thankful that our voices were heard by our nation's leaders.

The U.S. Navy will be decommissioning eight ships, four remaining T-ATF Powhatan Class fleet ocean tugs, and four Rescue-Salvage T-ARS Safeguard Class ships. The eight existing ships will be replaced with a single class of about eight or nine vessels to be designated as "T-ATS Tug and Rescue-Salvage" ships.

I want to express gratitude to Sen. McCain for advocating on behalf of the Navajo Nation and Acting Secretary of the Navy Sean Stackley for providing the name recommendation for consideration within the bill.

The Senate Committee voted unanimously to pass the bill, which authorizes $700 billion in funding for the U.S. Department of Defense and the national security programs of the U.S. Department of Energy. During the markup, 277 amendments were considered and adopted, and the legislation moves forward to the full senate for consideration.

The Office of the Speaker will continue to keep an eye on the ship naming progress and will continue to advocate for the the proposed "USNS Navajo."

Navajo Indian Irrigation Project for Navajo Agricultural Products Industry

The Navajo Indian Irrigation Project (NIIP) continues to be a priority of the 23rd Navajo Nation Council. Since the beginning of the project, Navajo Agricultural Products Industry (NAPI) continue to emphasize adequate funding is necessary for NIIP construction of Blocks 9, 10, and 11. The completion would include On-Farm

Development (OFD) functions to develop new irrigable land; sustain Operations, Maintenance, and Repair (OM&R) functions for the NIIP under the P.L. 93-638 contract; and to address the backlog of deferred maintenance concerns of Blocks 1–7 within the NIIP.

On April 13, 2017, the Naabik'íyáti' Committee established a NIIP Negotiation Subcommittee consisting of five members. The NIIP Subcommittee conducted it first official meeting on May 24, 2017 to orientate members on the history of the NIIP and nominate officers. The subcommittee nominated me as Chairperson with my colleague Honorable Steven Begay as Vice Chairperson. Other members include Honorable Kee Allen Begay, Jr., Benjamin Bennett, and Leonard Tsosie.

According to Resolution NABIAP-38-17, the NIIP Subcommittee has been tasked to develop a Memorandum of Agreement regarding the funding and completion of the NIIP, advocate for funding for the O&M program, initiate advocacy for funding for the NIIP under the Water Infrastructure Improvements for the Nation Act, and consider lobbying strategies in the best interest of the project.

With many discussions regarding the future of the NIIP, the subcommittee, Resources and Development Committee, Office of the President and Vice President, and NAPI have committed in a joint effort to lobby Congressional leaders on behalf of the NIIP and the Navajo Nation as we move forward to address NIIP concerns. Although I anticipate we could possibly encounter some challenges, with the support of the current governing body, I am optimistic we can overcome these challenges.

Recently, the NAPI board has initiated a supporting resolution that identifies their short-term goals that requests the Nation to address ongoing concerns of inadequate funding levels. In addition to their funding needs, NAPI is also experiencing issues with the NIIP road construction responsibility, oil and gas development, and encroachment of residential sites (home site leases) within the NIIP boundary. These concerns will be discussed as we collaborate with the Navajo Nation Land Department, Bureau of Indian Affairs, and other entities that surround the NIIP boundary to find solutions in addressing each matter.

Moving forward, the NIIP Subcommittee plans to present a background summary of NIIP during the Tribal Interior Budget Council (TIBC) session scheduled at the end of the month. The goal of the presentation is to request that the TIBC's support in considering NIIP to be a priority for the upcoming U.S. Department of the Interior's BIA FY2018 budget and FY2019 budget planning process.

My staff will continue to monitor all activity concerning NIIP/NAPI at the local and federal level.

Navajo Housing Authority

The Navajo Housing Authority (NHA) has continued to deal with ongoing issues over the years. They have a long history of concerns, such as tenant complaints, construction delays, financial mismanagement, inadequate planning, criminal prosecutions, and many more issues. These areas of concerns led Navajo Nation leadership to recommend and approve the NHA Reform Act. The intent of the Act was to lower the number of NHA Board of Commissioners from eight to five and to amend and improve the qualification criteria for

Commissioners.

A total of 42 applicants were referred for interviews. As a result, four new NHA Board of Commissioners have been confirmed by the Naabik'íyáti' Committee to serve in specific roles in addressing the housing needs of the Navajo Nation. The new members consist of Kris Beecher, Chairperson; Derrith Watchman-Moore, Vice Chairperson; Sean McCabe, Secretary/Treasurer; and Frankie Lee. The new board members fill four of the current five positions on the board. The last remaining appointment to the NHA Board is pending.

Members of the Naabik'íyáti' Committee expressed disappointment and concerns regarding NHA operations during the confirmation of three NHA commissioners. It was stated numerous times by the committee members that families across the Navajo Nation have resorted to converting storage sheds into makeshift homes due to limited housing opportunities.

Other concerns included areas of communication, written reports, performance level, audit deficiencies, internal policies, and travel practices of NHA Board of Commissioners (current and former). The Commissioners were advised to further examine these issues.

In addition, Office of Senator John McCain requested an immediate investigation regarding claims that NHA has mismanaged federal housing grants provided by the U.S. Department of Housing and Urban Development. On June 1, 2017, an investigation report was issued on the findings and recommendations of NHA operations, which NHA Commissioners will provide a response to the Office of Senator John McCain to indicate their progress.

As the newly appointed commissioners move forward, they have been encouraged to work diligently with tribal leadership and communities to better serve the overwhelming housing needs for Navajo families. Upon confirmation of board membership, a directive was issued by the Naabik'íyáti' Committee to develop a plan of action on how to address the housing crisis of the Navajo people and present their plan before Navajo Nation Council meets for the 2017 Summer Council Session. The Committee also directed the board to provide quarterly updates.

The role of the NHA Board of Commissioners is very important as they work collaboratively with leadership, communities, and employees to address these issues and regain the trust of the Navajo people, in which their welfare is paramount.

Third Quarter Report Program Summaries

Fiscal Year 2017

Office of the Auditor General

Contact Person: Elizabeth Begay, *Auditor General*
Phone: (928) 871-6303
Contact Email Address: elizabethbegay@navajo-nsn.gov

For FY2017, the Office of the Auditor General issued a total of 42 reports to date. Accomplishments from FY2017 Third Quarter - Issued 15 reports:

Program/Chapter Audits

- 17-29 Navajo Nation Tribal Paid Holidays
- 17-30 Navajo Nation Employee Bonus Program
- 17-39 Churchrock Chapter Internal Audit
- 17-41 Kaibeto Chapter Special Review
- 17-42 Sanostee Chapter Special Review

Follow-Up on Corrective Action Plan Implementation

- 17-31 Mexican Springs Chapter Third Corrective Action Plan Follow-up
- 17-38 Many Farms Chapter Second Corrective Action Plan Follow-up
- 17-40 FMIS Address Book Corrective Action Plan Follow-up

Investigations: 7 Discretionary Fund Investigation reports on Navajo Nation employees

Goals for FY2017 Fourth Quarter (ongoing projects and activities):

- Tribal Parks Special Review
- Water Rights Commission Special Review
- Department of Personnel Management Corrective Action Plan Follow-up
- Navajo Occupational Safety & Health Admin Corrective Action Plan Follow-up
- Unspent Chapter Funds as of March 31, 2017
- Hardrock Chapter Special Review
- Tsayatoh Chapter Special Review
- Dennehotso Chapter Corrective Action Plan Follow-up
- Jeddito Chapter Corrective Action Plan Follow-up
- Fraud Investigations of chapters/staff
- Revisits of sanctioned programs and chapters

Issues/Recommendations:

- Lack of auditors to conduct surprise audit of chapters. Recommend funding additional five (5) audi-

tors to do surprise audits at each agency.

- Lack of auditors to conduct performance audit of Navajo Nation programs and departments. Recommend funding additional five (5) auditors to be assigned at the division level.
- Lack of auditors to conduct follow-up reviews of programs and chapters corrective action plan implementation. Recommend funding additional three (3) auditors to do follow-up reviews.
- Lack of funding to pay for the risk assessment of Executive Branch departments and programs costing approximately $100,000. The risk assessment will help identify the high risk or non-performing departments/programs that should be scheduled for performance audit.

Eastern Navajo Land Commission

Contact Person: Larry Rodgers, *Executive Director*
Contact Phone Number: (505) 786-2430
Contact Email Address: lasar98@yahoo.com

Section One - Accomplishments for the 3rd Quarter:

- Commission's top priorities (1: NELI-NIIP Project; 2: Resolving on-going matters for FWAD; 3: Documenting Completed Land Buy-Back Program Results; 4: New land purchase opportunities).
- The NavajoBBP was officially between the Navajo Nation and the Federal Land Buy-Back Program on February 28, 2017; Program sales results have since been analyzed and are under preparation for feedback to allotment land hosting chapters.
- Fort Wingate Army Depot Land Division: The Zuni Pueblo is working with Senator Heinrich for a technical amendment by congress to transmit the correct version of the Navajo-Zuni negotiated map. Navajo is agreeable with the 'correct' map; Navajo and Zuni intergovernmental representatives met at the Depot to tour the Parcel 1 boundary under BLM guidance.
- The Commission resumed work on the NELI-NIIP Project, having held three meetings, one with the NAPI Board of Directors, and one jointly with the Nabi NIIP Subcommittee and NAPI Board.

Section Two - Goals for 4th Quarter of FY2017:

- Re-new talks with Congressional member on the NELI-NIIP Project
- Complete the Navajo LBBP landowner interests sales report for Navajo Nation Chapters with allotment lands
- Continue any work with requirement compliance under the Fort Wingate Army Depot land division provisions under BIA guidance

Section Three - Issues/Recommendations:

- Keep on top of federal LBBP to see if there will be purchasing funding will be left over all eligible tribes have participated.
- Assure coordinated Navajo position on the NELI-NIIP Project

Navajo Nation Election Administration

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Section One - Accomplishments from 3rd Quarter:

- Election Board members conducted six regular meetings
- Election Board approved fifteen resolutions during their regular meetings
- Recommended three amendments to the Navajo Nation Council to Title 11
- Conducted 13 Special Elections to fill 15 Positions Not Applied For
- One attorney position for Election Board and Administration
- Reclassified the Attorney's Position to Sr. Tribal Court Advocate.
- NEA's Executive Director, Assistance Department Manager, and Northern Agency Office's Office Aide position filled.

Section Two - Goals for 4th Quarter in FY2017:

- Work with Navajo Nation Council on Transportation Stimulus Referendum Election
- Continue working on amending Election Laws
- NEA's vacant positions are; Sr. Tribal Court Advocate and Program Project Specialist.
- Enforcement of Policies
- Advertised the vacant Sr. Tribal Court Advocate and the Program Project Specialist position.
- Continue other Goals and Objectives of the Election Administration/Board; implement directives

Section Three - Issues/Recommendations:

- Election Administration needs funding for a new office building, new voting equipment, and upgrade office equipment.
- Recommend: Fixed cost for all elections in the coming years and in anticipation of 10% budget shortfall and to upgraded NEA.
- Hire a Legal Counsel.
- Recommend: One applicant applied for the Attorney's position before the reclassification of the position to the Sr. Tribal Court Advocate. Until the board makes their decision on the one applicant for the Attorney's position will it be advertise as the Sr. Tribal Advocate.
- Establish Board and Administration as an independent entity.

Navajo Nation Ethics and Rules Office

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Section One - Accomplishments from 3rd Quarter

- Exceeded Program Performance Goals no. 1: review 20 new intakes, actual number is 21; no. 5: close and process 20 cases per quarter, actual number is 45. Met all but 2 performance goals this quarter.
- Collaborated and strengthened working relationships with the Office of the Prosecutor White Collar Crime Unit, Department of Justice, Division of Community Development, Office of Government Development and Office of the Auditor General by attending work groups and participating in the Navajo Public Corruption Prevention Task Force and Title 26 Task Force.
- Legislation to amend the ethics statute of limitation, 2 N.N.C. § 3769 was successfully passed during the Navajo Council's Spring Session, extending the statute of limitation to five (5) years from the date of formal notice to the Ethics and Rules Office.

Section Two - Goals for 4th Quarter in FY2017:

- Update the Ethics and Rules Plan of Operation.
- Prepare a budget in preparation for FY18 budget hearings.
- Change/upgrade the pay scale for the Presenting Officer position through the personnel department.
- Fill the vacant Presenting Officer position.
- File applications for garnishment in eligible cases.

Section Three: Issues/Recommendations:

- Pending Navajo Nation Supreme Court decision regarding interpretation of the former statute of limitations for filing an ethics complaint with the Office of Hearings and Appeals.
- Amend the Ethics in Government Law and Plan of Operation.
- Pay scale for the Presenting Officer position needs to be upgraded

Office of Navajo Government Development

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Accomplishments from 3rd Quarter:

- The Office of Navajo Government Development and the Commission on Navajo Government spon-

sored a summit on Sustainability and Resilience for Northern Agency Chapters at the Farmington Civic Center, Farmington, New Mexico on May 10 and 11, 2017. Over 40 chapter officials, CLUPC and chapter staff attended the summit.

- On June 16, 2017, the Office held a skype meeting with the Department of Government, University of Essex, United Kingdom. A web-based survey of Navajo Nation Chapters that will be implemented in fall 2017. The survey will be designed and its content and questions decided on in close collaboration between the Office and the University of Essex. While the University of Essex provides the expertise in designing, implementing and analyzing large surveys, the Office provides input on survey topics, ethical requirements and advertisement of the survey to the chapters. A second large public opinion survey of Navajo Nation constituents is being discussed between the Office and the University of Essex. The aim of this project is to run a representative, rigorous and survey of the Navajo Nation constituency to learn about demands, aspirations and challenges that Navajo constituents face. Some prevailing topics include, transition to renewable energy, sustainability initiatives, "regionalization" dubbed as cooperative or alliance of chapters and judicial branch, e.g. district courts, as it relates to government reform.
- Technical assistance was provided to eight chapters.

Goals for the 4th Quarter in FY2017:

- In July, the Office will provide a report to the Naa'bik'iyati' Committee on the effectiveness of the reduced Navajo Nation Council. The Office was informed by the Office of Legislative Services that it will be scheduled sometimes after the summer session of the Navajo Nation Council.

Issues/Recommendations:

- The Commission has six members approved by the Navajo Nation Council. Seven members are required to have a quorum. The Office will follow-up on offices to ensure recommendations are made timely.

Navajo Nation Human Rights Commission

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Section One - Accomplishments from 3rd Quarter:

- How to Enable the Participation of Indigenous Peoples' Representatives and Institutions at the United Nations: The Office attended and participated in two United Nations meetings to advance the Navajo Nation position on the needs for special recognition status for the Navajo Nation within the United Nations. The Navajo Nation advocated for the ability to participate in all United Nations meetings that'll impact Navajos, have a United Nations seat on the floor, submit written documents, recommendations, and respond on issues that'll impact Navajos.
- Flagstaff's Citizen Police Academy: The Office was invited to attend and participate in a thirteen week training, which allows citizens of Flagstaff to learn about law enforcement activities. These

activities include investigations, laboratory testing, medical investigations, and many other aspects of law enforcement work. The Office's Executive Director graduated for the Citizens Police Academy on Wednesday, May 10, 2017 and will be able to assist the Flagstaff, Coconino and Northern Arizona University police department with public education and outreach.

- Reviewed Citizen Complaints: The Office received new complaints during the second quarter. Intake meetings were conducted and majority of the complaints were staffed for investigations. Majority of issues include predatory automobile sales and employment issues. In addition, the Office continues to work with the City of Winslow regarding conciliation measures after the death of Loreal Tsingine.
- Ensure San Juan County Utah Voting Rights is Address: The Office continues to work on voting rights issues for the State of Utah San Juan County. Currently, the Commission is a complaining party in the matter of Navajo Nation Human Rights Commission et al v. San Juan County et al and Navajo Nation v. San Juan County. Both cases surround redistricting the county and school board, and the mail-in ballot issue.
- Edward M. Kennedy Award for Community Services: The Office was notified that it was selected to receive the Edward M. Kennedy Award for Community Services on June 8th during the luncheon ceremony at the American Association for Access, Equity and Diversity conference. As the title suggests, the Edward M. Kennedy Community Service Award is presented to an individual or organization demonstrating outstanding community service.

Section Two - Goals for 4th Quarter:

- Conduct Public Seminar: Develop advertisement and educational materials on interacting with law enforcement and conduct the seminar in two locations on the Navajo Nation in or near Utah.
- Free, Prior, and Informed Consent: Develop advertisement on the visit by a representative of the United States Environmental Protection Agency for September on environmental justice as it relates to the United Nations Deceleration on the Rights of Indigenous Peoples and FPIC.
- Continue Receive Complaints: Navajo citizens file complaint about discrimination and human rights violations. Will continue to assess and investigate filed complaints.

Section Three - Issues/Recommendations:

- Subcommittee on Sacred Sites: Several internal Navajo sacred site issues come to the commission. While the office is required to coordinate with other Navajo government programs, it continues to be a concern that Navajo individuals raise concerns on sacred sites with the commission while the Navajo Historic Preservation Department ("HPD") statutorily protects all Navajo cultural resources. It is necessary to streamline how the commission and HPD would respond to cultural properties issues.
- Consumer Advocacy: The Navajo people significantly depend on the goods and services provided in the border towns. Many Navajos also move to the border towns for better education and jobs while they continue to maintain strong connection with their traditions, culture and values. It is essential that Navajo Nation advocate for advancement in assuring that these Navajo individuals have an opportunity to become leaders in these border towns, too.
- Navajo Voting Rights Lawsuits: The office will continue to monitor and assist the attorneys who filed the lawsuit in Navajo Nation Human Rights Commission et al v. San Juan County et al and Navajo Nation v. San Juan County by providing needed information, and keep the plaintiffs updated as they are stakeholders in the lawsuit.

Black Mesa Review Board

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Section One - Accomplishments from 3rd Quarter:

- Celebrate Manymules Waterline Project
- Assistance with Phase I which is nearly complete
- Conducted meeting to coordinate the transfer of funds for Phase 2
- Attended meetings to get public input on NGS closure issues
- Participate in Grazing Management in Reclaim areas and survey some plants
- Attend meetings with PWCC Liaison on Grazing Management issues such as feral horses
- Created a resolution for Manymules Waterline to continue in order

Section Two - Goals for 4th Quarter:

- Facilitate for community plan after PWCC closes
- Create resolution for our future goals
- Get NN Dept of Transportation and Indian Affair to sign a road number for White Grass loop road
- Continue to participate on the closure of Kayenta Mine
- Meeting with the Hopi tribe about N 41 road
- Lobby for funding from ONHIR to develop the priority establish by BRMB and
- BMU
- Set up a meeting with the Speaker for a BMRB update
- Seek funds for FY 2018

Section Three - Issues/Recommendations:

- There is a desperate need to continue BMRB and its operation to give voice to the concerns of local residents otherwise they don't have representation.
- Seek Navajo Nation funds, Federal funds and outside funds for our projects.
- There is a need to coordinate strategies to approach the Hopi tribe to work on N 41.through HPL.

Navajo Nation Labor Commission

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Section One - Accomplishments from 3rd quarter of FY 2017:

- Efficient use of allocated funds, NNLC held twenty (20) evidentiary hearings
- NNLC and program timely processed two (3) appealed NNLC cases to Navajo Nation Supreme Court
- NNLC program timely processed fifteen (16) formally filed complaint
- NNLC timely adjudicated fifteen (20) NPEA cases
- NNLC and program timely closed and issued eight (11) orders
- NNLC & program timely issued and mailed seven hundred (700) subpoenas and notice of hearings by first class, facsimile and email to counsels of record or parties
- NNLC will continue to adjudicate seventy five (40) pending NPEA cases
- NNLC program made five (3) audio copies at parties' request

Section Two - Goals for 4th Quarter of FY 2017:

- Efficient use of allocated funds and timely processed appealed NNLC case(s)
- NNLC & program will timely adjudicate NPEA cases
- NNLC & program will timely process formally filed NPEA complaint(s) and/or petition(s)
- NNLC & program will timely issue and close out NPEA cases
- NNLC & program will continue review and amend NNLC Ruled of Procedure
- NNLC & program will continue to preserve substantial rights of all employees and employers in accordance to Navajo Law
- Closure of NNLC cases heard by current sitting NNLC members

Section Three - Issues/Recommendation(s):

- NNLC only received funding for 40 hearings for FY 2017. Additional funds will be needed to adjudicate pending NPEA cases during FY2017. In FY 2016, NNLC conducted 79 evidentiary hearings.

Navajo Utah Commission

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Section One - Accomplishments from 3rd Quarter:

- The unified efforts of the Navajo Utah Commission, the Utah Navajo Trust Fund (UNTF), and the seven Utah chapters resulted in the appropriation of $405,000 from UNTF for Utah Navajo Veterans housing needs. Utah chapter representatives on the UNTF Utah Dine' Advisory Committee approved this allocation in the FY2018 UNTF budget. The Navajo Utah Commission is requesting matching funds from the FY2018 Utah Navajo Revitalization Fund and the Navajo Nation Veterans Administration.
- The Navajo Utah Commission completed a funding application seeking $510,000 from the FY2018 non-chapter Utah Navajo Revitalization Fund (NRF appropriations) to construct six housing units at $85,000 per unit for the Red Mesa Chapter Waterline Extension Project. This effort will fulfill Red

Mesa Chapter's responsibility in providing plumbing facilities for an IHS Waterline Extension Project serving 16 homes at cost of $523,000.

- The Navajo Utah Commission completed a funding application seeking approximately $700,000 from the Navajo Nation Capital Projects Management Department (CPMD) for roofing repair and extensive renovation of the Teecnospos Chapter facility. The Navajo Utah Commission has secured $161,800 in matching from the Utah NRF and will be seeking additional appropriations from UNTF.
- The Navajo Utah Commission and the Aneth Chapter finally obtained a commitment from the Utah Department of Transportation to conduct major rehabilitation for a section of State Road 162 between Montezuma Creek and Aneth, Utah.

Section Two - Goals for 4th Quarter:

- The Navajo Utah Commission will prioritize and prepare a position statement regarding tribal issues and concerns for dialogue with Utah Governor Gary R. Herbert during the 2017 Utah Native American Summit in July.
- The Navajo Utah Commission will assist the Red Mesa Chapter in preparing a funding application seeking $500,000 from the 2018 Utah Navajo Trust Fund (UNTF) Big Project appropriations for the Red Mesa Chapter Administration Project.
- The Navajo Utah Commission will provide justification and advocacy for preserving and protecting capital outlay funds appropriated for the Utah chapters by the Utah Navajo Revitalization Fund (NRF). The Utah NRF will be conducting a review of inactive projects during the next quarter.
- The Navajo Utah Commission will assist Utah chapters with funding application preparation for new funding available from the Utah Navajo Trust Fund and Utah Navajo Revitalization Fund. The two organizations have new funding becoming available in July and October.

Section Three: Issues/Recommendations:

- The Navajo Utah Commission and the Utah chapters are becoming concerned with the long delayed announcement of new funding from the Navajo Nation Capital Projects Management Department (CPMD). The Utah chapters currently have $6.3 million committed by the state of Utah for capital projects and requiring tribal matching appropriations. The state of Utah is currently considering recouping the funds due to prolong inactivity.