

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0214-24\_

SPONSOR: Brenda Jesus

**TITLE: An Action Relating to Resources and Development Committee and the Naabik'iyáti' Committee; Approving and Authorizing the Revocable Designation of " Tribal Organization" to the Navajo Tribal Utility Authority for the Purposes of Contracting with the United States Department of the Interior and the United States Department of Health and Human Services; and , Authorizing the Navajo Tribal Utility Authority to Negotiate and Enter Into an Indian Self-Determination and Education Assistance Act (P.L. 93-638, as Amended) Subpart J Construction Contract With the United States Department of the Interior and the United States Department of Health and Human Services for Purposes of the Electrification of Homes and Navajo Nation Program**

***Date posted:*** September 19, 2024 at 9:54M

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Office of Legislative Services  
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LEGISLATIVE SUMMARY SHEET  
Tracking No. 0214-24

DATE: September 19, 2024

**TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE AND THE NABIK' ÍYÁTI' COMMITTEE; APPROVING AND AUTHORIZING THE REVOCABLE DESIGNATION OF "TRIBAL ORGANIZATION" TO THE NAVAJO TRIBAL UTILITY AUTHORITY FOR THE PURPOSES OF CONTRACTING WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; AND, AUTHORIZING THE NAVAJO TRIBAL UTILITY AUTHORITY TO NEGOTIATE AND ENTER INTO A INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT (P.L. 93-638, AS AMENDED) SUBPART J CONSTRUCTION CONTRACT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR PURPOSES OF THE ELECTRIFICATION OF HOMES ON NAVAJO NATION PROGRAM**

**PURPOSE:** The purpose of this legislation is to approve and authorize the Navajo Tribal Utility Authority the revocable designation of "tribal organization" for the purposes of contracting with the United States Department of Interior and the United States Department of Health and Human Services and to negotiate and enter into Indian Self-Determination and Educational Assistance Act (P.L. 93-638, as amended) contracts for purposes of the Electrification of Homes on Navajo Nation Program.

**Final Authority:** Naabik'íyáti' Committee

**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.**

5-DAY BILL HOLD PERIOD: of phusan

Website Posting Time/Date: \_\_\_\_\_

Posting End Date: 09-24-24

Eligible for Action: 09-25-24

PROPOSED STANDING COMMITTEE RESOLUTION  
25<sup>th</sup> NAVAJO NATION COUNCIL – Second Year, 2024

INTRODUCED BY

  
(Prime Sponsor)

TRACKING NO. 0214-24

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE AND THE NABIK' ÍYÁTI' COMMITTEE; APPROVING AND AUTHORIZING THE REVOCABLE DESIGNATION OF "TRIBAL ORGANIZATION" TO THE NAVAJO TRIBAL UTILITY AUTHORITY FOR THE PURPOSES OF CONTRACTING WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; AND, AUTHORIZING THE NAVAJO TRIBAL UTILITY AUTHORITY TO NEGOTIATE AND ENTER INTO A INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT (P.L. 93-638, AS AMENDED) SUBPART J CONSTRUCTION CONTRACT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR PURPOSES OF THE ELECTRIFICATION OF HOMES ON NAVAJO NATION PROGRAM

**BE IT ENACTED:**

**SECTION ONE. AUTHORITY**

A. The Resources and Development Committee is "[t]o review and recommend to the Naabik'iyáti' Committee Intergovernmental Agreements and agreements between the Navajo Nation and any governmental entity relating to economic development, community development, natural resources, roads and transportation,

1 environmental protection and gaming for efficiency and timely comparison of those  
2 projects.” 2 N.N.C. § 501 (A) (12).

3 B. The Resources and Development Committee “shall exercise oversight authority  
4 over ... land, communications and utilities, information technology, ... economic  
5 and community development, ... public utilities, telecommunication, [and] housing  
6 for the following purposes: 1. To establish Navajo Nation policy with respect to the  
7 optimum utilization of all Navajo Nation resources and to protect the rights,  
8 interests, sacred sites and freedoms of the Navajo Nation and People to such  
9 resources, now and for future generations. 2. To oversee regulation of activities on  
10 Navajo Nation lands for disposition or acquisition of resources, surface disturbance,  
11 or alteration of the natural state of the resource, including the enforcement and  
12 administration of applicable Navajo Nation and federal laws, regulations,  
13 guidelines, and administrative procedures in the development and use of resources  
14 as a good steward.”

15 C. The Naabik'íyáti' Committee has the enumerated power to “authorize, review,  
16 approve and accept any and all contracts, grants, and associated budgets with the  
17 United States, its departments and agencies for the implementation of the Indian  
18 Self-Determination and Education Assistance Act<sup>1</sup>, as amended, upon the  
19 recommendation of the standing committee which has oversight of the division,  
20 department or program applying for the contract and/or grant.” 2 N.N.C. §701(A)  
21 (12).

## 22 23 **SECTION TWO. FINDINGS**

24 A. The Navajo Tribal Utility Authority (NTUA) is a wholly-owned entity of the Navajo  
25 Nation. *By CN-61-59, the Navajo Tribal Utility Authority was authorized to acquire,  
26 construct, operate and maintain utility systems throughout the Navajo Nation. Since  
27 then the Authority has extended the benefits of utility services to substantial portions of  
28 the Reservation. Over time the Plan of Operation of the Authority has been amended  
29 to meet needs associated with changing circumstances.* 21 N.N.C. § 1 (B).

30 B. NTUA enumerated powers are “[s]ubject to Navajo Nation Council approval where  
required, and applicable Navajo Nation and federal laws and regulations, and solely

1 *in furtherance of the limited purposes set forth in 21 N.N.C. § 5, the management board*  
2 *shall have the following powers: ...to accept grants and loans from ... any federal*  
3 *agency... .” 21 N.N.C. §7 (B) (13).*

4 C. The Indian Self-Determination and Education Assistance Act at 25 U.S.C. § 5304 (l)  
5 states that *“Tribal organization” or “tribal organization” means the recognized*  
6 *governing body of any Indian tribe; any legally established organization*  
7 *of Indians which is controlled, sanctioned, or chartered by such governing body ... .”*

8 D. The United States Department of Interior by memorandum dated May 17, 2024,  
9 attached as **Exhibit A**, informed the Navajo Nation President that the Electrification of  
10 Homes on Navajo Nation Program was selected for \$10,000,000 monetary support.  
11 However, to enter into the contract for the funds for a Public Law 93-638 Subpart J  
12 Construction Contract, the Navajo Nation is to submit a resolution authorizing NTUA  
13 to enter into such a contract.

14 E. The Resources and Development Committee, through majority vote of this legislation,  
15 recommends that NTUA be authorized to apply for the Public Law 93-638 Subpart J  
16 Construction Contract. The Resources and Development Committee Report recording  
17 its vote on this legislation shall be attached to this legislation as Exhibit B after the  
18 Resources and Development Committee considers this legislation.

19 F. The Naabik’iyati Committee of the Navajo Nation Council finds it to be in the best  
20 interest of the Navajo Nation to approve authorization of the Navajo Tribal Utility  
21 Authority the revocable designation of “tribal organization” for the purposes of  
22 contracting with the United States Department of Interior and United State Department  
23 of Health and Human Services and to negotiate and enter into Subpart J Construction  
24 Contract pursuant to the Indian Self-Determination and Educational Assistance Act  
25 (P.L. 93-638, as amended) for purposes of the Electrification of Homes on Navajo  
26 Nation Program.

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28 **SECTION THREE. APPROVAL**

29 The Naabik’iyati Committee of the Navajo Nation Council, upon recommendation of  
30 the Resources and Development Committee (Committee), hereby approves and  
authorizes the Navajo Tribal Utility Authority the revocable designation of “tribal

1 organization” for the purposes of contracting with the United States Department of  
2 Interior and the United States Department of Health and Human Services and to  
3 negotiate and enter into Indian Self-Determination and Educational Assistance Act  
4 (P.L. 93-638, as amended) contracts for purposes of the Electrification of Homes on  
5 Navajo Nation Program.  
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