

THE NAVAJO NATION
LEGISLATIVE BRANCH
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LEGISLATION NO: 0264-24

SPONSOR: Crystalayne Curley

TITLE: An Action Relating to an Emergency for the Navajo Nation Council; Approving a Comprehensive Interagency Agreement to Timely Obligate Certain Navajo Nation Fiscal Recovery Funds (“NNFRF”) by the U.S Department of Treasury Deadline of December 31, 2024; Approving Other NNFRF-Related Actions

Date posted: December 16, 2024 at 9:34AM

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SUMMARY OF PROPOSED LEGISLATION

Tracking No. 0264-24

DATE: December 16, 2024

RE: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; APPROVING A COMPREHENSIVE INTERAGENCY AGREEMENT TO TIMELY OBLIGATE CERTAIN NAVAJO NATION FISCAL RECOVERY FUNDS (“NNFRF”) BY THE U.S. DEPARTMENT OF TREASURY DEADLINE OF DECEMBER 31, 2024; APPROVING OTHER NNFRF-RELATED ACTIONS

PURPOSE OF THIS LEGISLATION:

to approve an Interagency Agreement for the obligation of NNFRF funds by December 31, 2024, to amend CJN-29-22 to expedite modifications to NNFRF Expenditure Plans, and approving other NNFRF-related actions.

FINAL AUTHORITY and VOTE REQUIREMENT:

The Navajo Nation Council has final authority. A 2/3 vote is required.

OLC No. 24-504-1

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

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0264-24

AN ACTION

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL;
APPROVING A COMPREHENSIVE INTERAGENCY AGREEMENT TO
TIMELY OBLIGATE CERTAIN NAVAJO NATION FISCAL RECOVERY
FUNDS (“NNFRF”) BY THE U.S. DEPARTMENT OF TREASURY DEADLINE
OF DECEMBER 31, 2024; APPROVING OTHER NNFRF-RELATED ACTIONS

BE IT ENACTED:

SECTION 1. AUTHORITY

A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).

As such, the Council may consider legislation regarding an emergency matter, 2 N.N.C. §164(A)(16).

B. “[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. Due to the COVID-19 pandemic that started in early 2020 and the devastating economic impacts that resulted nationwide, on March 11, 2021, President Joseph Biden signed into law

1 the American Rescue Plan Act (“ARPA”). ARPA provided \$362 billion for state, local, and
2 tribal governments, including \$20 billion designated for tribal governments.

3 D. In May of 2021, the U.S. Department of Treasury provided \$1,861,554,458.43 in ARPA
4 funds to the Navajo Nation.

5 E. Beginning in July of 2021, the Navajo Nation approved Resolution Nos. CJY-41-21, BFS-
6 31-21, CJN-29-22 and CMY-28-24 (each incorporated herein by this reference) that create
7 the “Navajo Nation Fiscal Recovery Fund” (“NNFRF”) and manages the Navajo Nation’s
8 federal ARPA allocation. “NNFRF” used herein also refers to the dollars in the Navajo
9 Nation Fiscal Recovery Fund.

10 F. According to federal ARPA restrictions, the Navajo Nation must obligate all NNFRF by
11 December 31, 2024 and the Navajo Nation must fully expend all NNFRF by December 31,
12 2026, or the Navajo Nation’s ARPA funds will revert to the federal government.

13 G. The Navajo Nation therefore finds that this Action is an emergency matter affecting critical
14 government services for the Navajo People and the sovereignty of the Navajo Nation, and
15 this Action must be approved without delay to meet an urgent and pressing public need.
16

17 **SECTION 2. FINDINGS**

18 A. As referenced above, under federal ARPA provisions and the U.S. Department of Treasury’s
19 Guidance governing all federal ARPA funding, the Navajo Nation must abide by the
20 following when managing its NNFRF:

21 1. Costs eligible for payment with ARPA funds must be incurred by December 31, 2024.

22 This means that all NNFRF must be obligated by December 31, 2024.

23 2. With regards to “obligate,” the Department of Treasury’s 2022 Final Rule dated April 1,
24 2022 states: “[f]inancial obligations, when referencing a recipient’s or sub-recipient’s use
25 of funds under a Federal [ARPA] award, means orders placed for property and services,
26 contracts and sub-awards made, and similar transactions that require payment. . . .”

27 3. According to the Department of Treasury, the “period of performance” for use of ARPA
28 funds expires on December 31, 2026. This means that all NNFRF must be fully expended
29 by December 31, 2026.

30 4. Any ARPA funds not obligated by December 31, 2024 or not fully expended for eligible

1 purposes by December 31, 2026 must be returned to the federal government. This includes
2 all unobligated and unexpended ARPA funds provided to any subrecipients, vendors, or
3 contractors.

4 B. This federal reversion mandate means that, with respect to all remaining NNFRF, the Navajo
5 Nation must timely accomplish: (1) the obligation of all NNFRF by the December 31, 2024
6 deadline; and (2) full expenditure of all NNFRF by the December 31, 2026 deadline.

7 C. As referenced and incorporated above, the Navajo Nation approved Resolution Nos. CJY-
8 41-21, BFS-31-21, CJN-29-22 and CMY-28-24 to create the NNFRF and to manage the
9 Navajo Nation's federal ARPA allocation received. Through one or more of these
10 resolutions, NNFRF was allocated to Navajo Nation entities ("Recipient Agencies") to carry
11 out NNFRF Expenditure Plans for projects, goods, and services across the Navajo Nation.
12 These Council-approved Expenditure Plans cover numerous Chapter Projects, Delegate
13 Region Projects, public health projects, hardship assistance payments, housing and bathroom
14 projects, broadband services, electricity line projects, water/wastewater projects, and other
15 ARPA-eligible purposes.

16 D. Through these resolutions, the Navajo Nation also established requirements for modifications
17 to all Council-approved NNFRF Expenditure Plans. These Navajo Nation requirements are
18 internal and are not mandated by the federal ARPA requirements.

19 E. Through Resolution No. CMY-28-24, the Navajo Nation set an internal deadline of
20 November 1, 2024 for all NNFRF to be obligated. There is \$5,623,603 of NNFRF that was
21 not obligated by the Navajo Nation's internal deadline. In accordance with CMY-28-24,
22 NNFRF, "not obligated by November 1, 2024, shall automatically revert to the NNFRF
23 Hardship Assistance Expenditure Plan without the need for legislative action..., a
24 Memorandum of Agreement will be entered into between the Navajo Nation Council and the
25 Office of Controller for the Hardship Assistance Program."

26 F. At this point in the Navajo Nation's NNFRF process, there is NNFRF that will revert to the
27 federal government if the Navajo Nation does not obligate it by December 31, 2024. There
28 is also unexpended NNFRF, that will revert to the federal government if the Navajo Nation
29 does not fully expend it by December 31, 2026. Therefore, removing timely processes and
30 procedures that are not federally required to meet the two deadlines is critical to prevent

1 reversion back to the federal government.

2 G. Federal requirements allow for a comprehensive Interagency Agreement to be approved and
3 entered into to obligate all remaining NNFRF by December 31, 2024. Such an Interagency
4 Agreement would include provisions to ensure that all NNFRF funds are expended by the
5 December 31, 2026 federal deadline to prevent reversion of those funds.

6 H. The Navajo Nation finds it is in the best interest of the Navajo Nation and its people to
7 authorize and approve through this Action such a comprehensive Interagency Agreement
8 that can streamline and expedite the NNFRF processes and procedures to ensure that all
9 NNFRF is obligated and expended by the deadlines set by the federal government.

10 I. The Navajo Nation further finds that removing the Council approval requirement for NNFRF
11 Expenditure Plan modifications in CJN-29-22 is necessary to expedite any needed
12 modifications of NNFRF Expenditure Plans after December 31, 2024, but before the
13 expenditure deadline of December 31, 2026.

14 J. A comprehensive Interagency Agreement, as referenced in Sections 2(G) and (H) above,
15 must be executed by December 31, 2024 to meet the Department of Treasury's "obligation"
16 requirement. If executed no later than December 31, 2024, such comprehensive Interagency
17 Agreement will: 1) ensure that the Navajo Nation meets the December 31, 2024 funds
18 obligation deadline; 2) provide flexibility for NNFRF Expenditure Plans; and 3) expedite the
19 transfer of remaining funds to other ARPA-eligible purposes. All of which will facilitate the
20 complete expenditure of the Navajo Nation's remaining NNFRF by the December 31, 2026
21 deadline.

22 K. To further fulfill the purpose of streamlining and expediting the NNFRF process to oversee
23 the remaining NNFRF funds and to ensure that NNFRF does not get reverted, the Navajo
24 Nation finds that such administrative oversight and management would best be served by the
25 Office of the Controller which has the tools and expertise to carry out such functions at this
26 final stage of NNFRF administration.

27
28 **SECTION 3. APPROVING A COMPREHENSIVE INTERAGENCY AGREEMENT**
29 **FOR TIMELY NNFRF OBLIGATIONS AND EXPENDITURES**

30 A. The Navajo Nation hereby approves a comprehensive Interagency Agreement attached

1 hereto as **EXHIBIT A**. This Interagency Agreement shall cover all NNFRF dollars
2 remaining as of the Effective Date of this Action, including any unobligated funds and funds
3 that were previously allocated or obligated for various NNFRF Expenditure Plans approved
4 by the Council. The Interagency Agreement shall include the \$5,623,603 of NNFRF that
5 was not obligated by the Navajo Nation’s internal deadline of November 1, 2024 and such
6 inclusion shall be in accordance with requirements in CMY-28-24 specific to those funds.

7 B. The **EXHIBIT A** Interagency Agreement shall govern all remaining NNFRF (unobligated
8 or obligated), NNFRF Expenditure Plans and NNFRF expenditures by all Recipient
9 Agencies through December 31, 2026. To fulfill the purpose and intent of this Action,
10 “Recipient Agencies” means all NNFRF recipients with remaining funds, collectively,
11 including Executive Branch Programs, the Navajo Tribal Utility Authority (“NTUA”), the
12 Navajo Construction and Engineering Authority (“NECA”), the affected 14 Chapters that are
13 local governance certified under 26 N.N.C. §102 (“LGA Chapters”), and affected Non-LGA
14 Chapters.

15 C. For all Expenditure Plans approved in CJY-41-21, CJN-29-22, and CMY-28-24, the
16 administrative oversight assigned to the Office of the President/Vice-President in said
17 resolutions is hereby transferred to the Office of the Controller, and each of the resolutions
18 cited above are hereby amended accordingly to provide for such transfer. The Office of the
19 Controller shall hereafter have all authority and responsibilities for the administration,
20 management, and oversight of all remaining NNFRF (unobligated or obligated), NNFRF
21 Expenditure Plans and NNFRF expenditures, including modifications thereto, governed by
22 the **EXHIBIT A** Interagency Agreement.

23 D. Immediately following the Navajo Nation Council’s passage of this Action and prior to the
24 execution of the **EXHIBIT A** Interagency Agreement, the Navajo Nation Department of
25 Justice shall review and may modify the **EXHIBIT A** Interagency Agreement for the limited
26 purpose of correcting any legal insufficiencies that would prevent fulfillment of the intent of
27 this Action. The Department of Justice shall immediately notify the Budget and Finance
28 Committee in writing of any modifications.

29 E. Upon the Effective Date of this Action, the Speaker of the Navajo Nation Council is authorized
30 to execute the **EXHIBIT A** Interagency Agreement on behalf of the Navajo Nation Council,

1 and they all shall be bound by the Speaker's signature on **EXHIBIT A**.

2 F. Upon the Effective Date of this Action, the Navajo Nation President is authorized to execute
3 the **EXHIBIT A** Interagency Agreement on behalf of all Recipient Agencies, and they all
4 shall be bound by the President's signature on **EXHIBIT A**.

5 G. Upon the Effective Date of this Action, the Controller is authorized to execute the **EXHIBIT A**
6 Interagency Agreement on behalf of the Office of the Controller and its subordinate
7 departments and programs, and they all shall be bound by the Controller's signature on
8 **EXHIBIT A**.

9 H. In order to meet the Department of Treasury's funds obligation deadline of December 31,
10 2024 and to prevent reversion of NNFRF, **EXHIBIT A** shall be executed no later than
11 December 30, 2024.

12
13 **SECTION 4. AMENDING CJN-29-22 TO EXPEDITE NNFRF EXPENDITURE PLAN**
14 **MODIFICATIONS AND FUNDING TRANSFERS**

15 The Navajo Nation hereby amends Resolution No. CJN-29-22 as follows:

16 * * * *

17 **SECTION TWELVE. ADMINISTRATION OF NAVAJO NATION FISCAL**
18 **RECOVERY FUND EXPENDITURE PLANS**

19 * * * *

20 A. All entities receiving Navajo Nation Fiscal Recovery Funds, whether through an
21 immediate allocation under Resolution CJY-41-21 or subsequently approved
22 NNFRF Expenditure Plan, shall comply with the Department of Treasury's 2022
23 Final Rule (effective April 1, 2022), with the Department of Treasury's FAQ (dated
24 March 29, 2024), and with the Department of Treasury's Uniform Guidance set
25 forth in 2 C.F.R. Part 200, as well as all Navajo Nation laws, policies, regulations,
26 rules, and procedures, specifically including, but not limited to, those governing the
27 NNFRF and the expenditure of such funds, and any additional terms set forth in a
28 grant, sub-recipient, or similar agreement, that do not contradict any of the federal
29 provisions cited herein.

1 B. Fiscal Recovery Fund costs must be incurred by December 31, 2024, meaning
2 that the Navajo Nation must obligate NNFRF funds by that date. The Department
3 of Treasury's gGuidance provides that "incurred" shall have the same meaning
4 given to "financial obligation" under the Uniform Guidance at 2 CFR 200.1:
5 "Financial obligations, when referencing a recipient's or sub-recipient's use of
6 funds under a Federal award, means orders placed for property and services,
7 contracts and sub-awards made, and similar transactions that require payment."
8 The Navajo Nation may also timely obligate NNFRF via an "interagency
9 agreement" executed by December 31, 2024, as noted in the Department of
10 Treasury's FAQ No. 17.23.

11 * * * *

12 ~~G. All proposed modifications to an approved NNFRF Expenditure Plan or an~~
13 ~~approved NNFRF Expenditure Plan budget shall comply with Section 8 of~~
14 ~~Exhibits 1 through 5 of Resolution BFS-31-21.~~

15 ~~1. Any increase in funding for an approved NNFRF Expenditure Plan shall require~~
16 ~~approval by Navajo Nation Council Resolution enacted pursuant to 2 N.N.C. §~~
17 ~~164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12), unless such increase~~
18 ~~in funding is due to an administratively approved budget transfer from the~~
19 ~~Construction Contingencies Expenditure Plan.~~

20 ~~a. Proposed modifications of Expenditure Plans shall be submitted to the~~
21 ~~Navajo Nation Department of Justice ("NNDOJ") for an eligibility~~
22 ~~determination review to ensure the proposed modification will be an eligible~~
23 ~~use of FRF.~~

24 ~~b. Modifications that change the purpose and intent of the Expenditure Plan or~~
25 ~~projects and services within the approved Expenditure Plan or that~~
26 ~~substantially change the scope of work of the Expenditure Plan shall require~~
27 ~~approval by the Navajo Nation Council.~~

28 ~~c. As set forth in Resolution BFS-31-21, NNDOJ shall make the determination~~
29 ~~whether Navajo Nation Council approval of the modification is required.~~

30 ~~d. After NNDOJ has reviewed the request for a modification of an approved~~

1 Expenditure Plan and determined that legislative approval is not needed, or
2 after the modification is approved by a Navajo Nation Council resolution
3 enacted pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 100(C)(10),
4 (11), and (12), the Administrative Oversight entity acting on behalf of the
5 Funding Recipient shall submit a budget revision request to Office of
6 Management & Budget (“OMB”), if needed. The Budget Instruction Manual
7 provisions regarding budget revision requests shall apply.

8 ~~H. Awarded Navajo Nation Fiscal Recovery Funds, including cost savings, may be~~
9 ~~administratively moved between projects and/or services included within the same~~
10 ~~Expenditure Plan, as long as such projects or services share the same Treasury~~
11 ~~Expenditure Category for reporting purposes. NNDOJ shall verify that the projects~~
12 ~~and/or services share the same Expenditure Category before any NNFRF funding~~
13 ~~is moved between projects and/or services.~~

14 ~~I. Awarded Navajo Nation Fiscal Recovery Funds, including cost savings, cannot be~~
15 ~~moved between Expenditure Plans without approval by a Navajo Nation Council~~
16 ~~Resolution enacted pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§~~
17 ~~1005(C)(10), (11), and (12), unless such movement of funds is due to an~~
18 ~~administratively approved budget transfer from the Construction Contingencies~~
19 ~~Expenditure Plan to other NNFRF expenditure plans experiencing cost overruns~~
20 ~~due to construction contingencies.~~

21 ~~J. Approved Expenditure Plans for need based projects and services, such as~~
22 ~~Bathroom Addition or Home Electricity Connection projects, may be~~
23 ~~administratively modified without Navajo Nation Council action as long as the~~
24 ~~total funding awarded for the Expenditure Plan is not increased and the new project~~
25 ~~or service is within the same Expenditure Category.~~

26 ~~K. To add projects or services to an approved Expenditure Plan when such projects~~
27 ~~and/or services are not need based projects or services, shall require a NNDOJ~~
28 ~~initial eligibility determination pursuant to Resolution BFS-31-21 and the addition~~
29 ~~must be approved through resolution by the Standing Committee(s) having~~
30 ~~oversight over the Expenditure Plan and the Budget and Finance Committee.~~

1 ~~1. If the new project and/or service increases the total funding awarded for the~~
2 ~~Expenditure Plan or does not share the same Expenditure Category as the~~
3 ~~Expenditure Plan, Resolution BFS-31-21 must be fully complied with and the~~
4 ~~addition can only be added through Navajo Nation Council resolution enacted~~
5 ~~pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).~~

6 ~~L. The Emergency Procurement provisions set forth in Resolution CJY-41-21,~~
7 ~~Section Ten, shall apply to all NNFRF Expenditure Plans enacted herein, as well~~
8 ~~as to the federal American Rescue Plan Act (“ARPA”) and all Fiscal Recovery~~
9 ~~Fund procurements by the Navajo Nation, including its LGA-Certified Chapters,~~
10 ~~and Navajo Nation-owned entities.~~

11 * * * *

12
13 **SECTION 5. ADMINISTRATIVE APPROVAL OF NNFRF EXPENDITURE PLAN**
14 **MODIFICATIONS AND FUNDING TRANSFERS**

15 The comprehensive Interagency Agreement attached as **EXHIBIT A** shall provide for
16 modifications to Council-approved NNFRF Expenditure Plans, so long as such modifications
17 are in compliance with the Department of Treasury’s 2022 Final Rule (effective April 1,
18 2022), with the Department of Treasury’s FAQ (dated March 29, 2024), and the Department
19 of Treasury’s Uniform Guidance set forth in 2 C.F.R. Part 200, as well as all Navajo Nation
20 laws, policies, regulations, rules, and procedures, including those governing NNFRF and any
21 grants, sub-recipient agreements, or the like, that do not contradict any of the federal
22 provisions cited herein.

23 **A. Modifications.** Modifications may include changes to the Scope of Work for a Council-
24 approved NNFRF Expenditure Plan, transfers of funds to other Expenditure Plans or eligible
25 purposes, and transfers of funds to other eligible recipients. Prior to the granting of any
26 administrative approval, the Controller shall provide 48 hours of notice in writing to the
27 Office of the President & Vice-President and to the Budget and Finance Committee of the
28 requested or contemplated modifications.

29 **B. Administrative Approval permitted.** All requested NNFRF Expenditure Plan
30 modifications satisfying the requirements above shall be eligible for Administrative

1 Approval. Through this Administrative Approval, NNFRF Expenditure Plan modifications
2 no longer require: 1) Council or Standing Committee action; 2) compliance with SECTION
3 8 of Exhibits 1 through 5 of Resolution BFS-31-21; 3) adherence to the 20% modification
4 restriction in 2 N.N.C.§223(F); and 4) Oversight Committee approval provided for in
5 SECTION 12(D)(2) of the FY2025 Revised Budget Instructions Manual.

6 C. **“Expenditure Plan” defined.** For purposes of this action, “Expenditure Plan” means the
7 form BFS-31-21 Appendix A – NNFRF Expenditure Plan form, with supporting documents.
8 The Navajo Nation Department of Justice reviewed the NNFRF Expenditure Plan to
9 complete its NNFRF Initial Eligibility Determination according to Department of Treasury
10 restrictions, and the NNFRF Expenditure Plan was approved by a Council resolution.

11 D. **“Administrative Approval” defined.** For purposes of this action, “Administrative
12 Approval” means that the Controller, or his authorized designee, approves the modification
13 in writing. The Controller shall determine the form of the modification request and the
14 documents to be submitted for review and approval of modifications.

15
16 **SECTION 6. NNFRF OFFICE REASSIGNED TO THE OFFICE OF THE**
17 **CONTROLLER**

18 A. The NNFRF Office established under SECTION 11 of CJY-41-21, including its program
19 operating budget, staff/personnel, and all program funds, is hereby placed under the
20 responsibility and oversight of the Office of the Controller, effective immediately.
21 Notwithstanding inconsistent provisions in CJY-41-21, the Office of the Controller
22 hereafter shall have decision-making authority over planning, goals, activities, an office
23 restructuring and transitioning plan, and personnel matters, including employee positions,
24 of the NNFRF Office.

25 B. The Controller shall hereafter be authorized and responsible for monitoring the NNFRF
26 Office and ensuring Navajo Nation compliance with the Fiscal Recovery Funds provisions
27 of ARPA and Navajo Nation laws and regulations by all entities receiving NNFRF funds.

28 C. The Office of the Controller shall facilitate and expedite the expenditure of all NNFRF funds,
29 the approval of Expenditure Plan modifications, ensure the completion and implementation
30 of NNFRF-authorized projects and services, and timely submit accurate ARPA reports to the

1 federal government.

2 D. Promptly after the end of each fiscal year quarter, the Controller shall present a written
3 performance report to the Office of the President & Vice-President and the Naabik'iyáti'
4 Committee on overall NNFRF Office operations, accomplishments, and challenges.
5

6 **SECTION 7. WAIVER OF INCONSISTENT PROVISIONS**

7 The Navajo Nation hereby waives all provisions in Resolutions Nos. CJY-41-21, CJN-29-22,
8 CMY-28-24, BFS-31-21, in all other Council or Standing Committee resolutions, in 2
9 N.N.C.§223(F), in the Plan of Operation for the NNFRF Office and in all Executive Orders
10 issued by the Navajo Nation President, to the minimum extent necessary to accomplish the
11 letter, purposes, and intent of this Action.
12

13 **SECTION 8. DIRECTIVES**

14 A. All NNFRF recipients are hereby directed to immediately assess whether any modifications
15 to their approved Expenditure Plans or Subrecipient Agreements are needed to ensure that
16 all NNFRF is fully expended by the December 31, 2026 Department of Treasury deadline.
17 If modifications are needed, recipients shall promptly submit written requests for
18 Administrative Approval of proposed modifications, to ensure the timely expenditure of all
19 NNFRF by December 31, 2026.

20 B. The Office of the Controller and the NNFRF Office are directed to prioritize the review of
21 all proposed modifications.

22 C. Once a modification is approved by the Controller, the Office of the Controller and the Office
23 of Management and Budget shall take all necessary actions to accomplish NNFRF dollar
24 reallocations, if any, as permitted under the Interagency Agreement. Such actions shall
25 include the processing of budget transfers, preparing and executing amendments to contracts
26 or subrecipient agreements, and arranging for the encumbrance of funds in the FMIS.

27 D. The Controller and the NNFRF Office are directed to submit a revised Plan of Operation for
28 the NNFRF Office that addresses its transfer to the Office of the Controller as needed and to
29 be submitted to the Budget and Finance Committee within 60 days of this Action.

30 E. The Controller and the Office of Management and Budget are directed to take immediate

1 action to coordinate the transfer of the NNFRF Office to the Office of the Controller, which
2 transfer shall include the NNFRF Office program budget and all NNFRF Office program
3 operating funds. The Office of Management and Budget shall report on such transfer to the
4 Council at the January 2025 Regular Session of Council.

5
6 **SECTION 9. EFFECTIVE DATE**

7 This Action shall be effective in accordance with 2 N.N.C. §221(B), 2 N.N.C. §164(A)(17), and
8 2 N.N.C. §1005.

9
10 **SECTION 10. AMENDMENTS**

11 Amendments to this Action shall only be approved by a 2/3 vote of all members of the Navajo
12 Nation Council and the approval of the Navajo Nation President pursuant to 2 N.N.C.
13 §164(A)(17) and 2 N.N.C. §1005.

14
15 **SECTION 11. SAVING CLAUSE**

16 If any part of this Action is determined invalid by the Navajo Nation Supreme Court, or by a
17 Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, those
18 provisions of this Action not determined invalid shall remain the law of the Navajo Nation.