



**NAVAJO NATION WASHINGTON OFFICE**

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**FY 2016 Second Quarter Report**  
**(January, February, March 2016)**

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## I. EXECUTIVE SUMMARY

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### Background

The Navajo Nation Washington Office (NNWO) serves as the Navajo Nation's advocate with Congress, the White House and federal agencies. The NNWO monitors and analyzes federal legislation, disseminates congressional and federal agencies' information, develops strategies and decisions concerning national policies, and monitors budgets that affect the Navajo Nation. The NNWO takes direction and priorities from elected Navajo leadership representing the Navajo people. The office continues to build upon the many years of existing policy advocacy work and knowledge, both by this office that was established in 1984, as well as Navajo leaders, going back to Chief Manuelito who first visited Washington and advocated for the Navajo people in 1874. Over the past quarter, the office has hosted the President, Vice-President, Council Delegates, student groups, and other members of the Navajo Nation have visited the office in Washington. The office is always open to members of the Navajo Nation visiting Washington. This report covers the highlights, critical issues, project status, budget status, and process improvement initiatives from the second quarter of the 2016 fiscal year, or January through March 2016.

### Highlights

President Begaye visited the original Naaltsoos Sáńí, the Treaty of 1868 held at the National Archives, the primary guiding document for all nation-to-nation dialogue. NNWO helped arrange this meeting and coordinated with the Navajo Nation Museum and the National Museum of the American Indian with the goal of bringing the original treaty to the Navajo Nation in 150th anniversary of its signature. President Begaye also represented the Navajo Nation on a national scale at the National Museum of the American Indian's Trust Modernization Symposium. The symposium included leaders from across Indian Country and President Begaye discussed the role of the trust relationship between Tribal Nations and the government and how to bring this relationship into the 21<sup>st</sup> century.

This quarter was also filled with many lobbying, advocacy, and other Navajo Nation-related meetings. In February, the Navajo Nation Council's Sihasin Committee planned a trip to lobby for infrastructure project funding. The trip included a comprehensive agenda of meetings including with the relevant House and Senate appropriators, the Bureau of Reclamation, the Indian Health Service, the Office of Management and Budget, and the Army Corps of Engineers among other entities. The goal of this advocacy is to capitalize on the Navajo Nation's investment in infrastructure through the Sihasin Fund and combine the Nation's investment with a federal investment.

The NNWO also assisted with the Navajo Nation's application for federal Promise Zone designation. The Navajo Technical University led this effort with assistance from all impacted Navajo Nation Divisions as well as special support from Senator Martin Heinrich. The Nation hopes to become the third tribal nation to gain this federal designation which will spur federal investment.

In February the Nation was informed that the Office of Navajo Hopi Indian Relocation (ONHIR) plans to close its doors at the end of Fiscal year 2018. The Office of the President and Vice President (OPVP) is leading a task force to ensure that transition goes smoothly, that all impacted Navajo citizens are made whole, and that the recurring ONHIR functions be taken on by the Navajo Nation, who can best serve the Navajo citizens who will be impacted. NNWO is assisting with strategy and coordination with Washington.

Finally, the NNWO continued work representing the Nation in Washington through several cultural and community activities. On February 26, NNWO hosted local Navajos for a Navajo Culture Night. A local group called, Washington Diné Bizaad coordinated the cultural activities and provided food for participants. The event was originally scheduled to be a shoe game, but due to warm weather, it was reformatted.

#### Moving Forward

The NNWO will continue to focus on the core work of introducing, advancing or stopping legislation and federal regulations either positively or negatively impacting the Nation in 3Q FY2016. In the long term, the primary NNWO goal is to work with and communicate with the legislative branch to strengthen our advocacy on behalf of the Navajo people. Diné people have many issues and we look forward to representing as best we can and with the vigor and comprehensiveness the Navajo people deserve. Please let us know if you are in Waashindoon, we enjoy connecting with Diné citizens visiting to the U.S. capitol.

## **II. CRITICAL ISSUES**

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The most critical issue facing the Washington Office's mission is ensuring the Navajo Nation speaks as one nation with a unified voice to Congress and the administration. Recent meetings between the executive and legislative branches to develop a mutually agreeable priority list for the Navajo Nation to share nationally and internationally have laid the groundwork for a unified voice and position. It is important for the NNWO to maintain strong lines of communication with all branches of the Navajo Nation government and ensure communications with Capitol Hill and the administration are unified.

Funding for the Navajo Nation people and government programs are also extremely critical. The NNWO looks forward to continuing work with the Navajo Nation Council to continue strong advocacy for funding and federal treaty and legislative obligations in FY 2017. This included testimony before the House Resources Appropriations Committee as well as the Department of Interior's Tribal Interior Budget Committee (TIBC).

The NNWO will work with both the Senate and House to advance the Gold King Mine spill legislation to hearings and markups. NNWO will also work with the appropriate Congressional representatives to introduce additional legislation to ensure the Navajo Nation is eligible to contract any clean up activities as a result of the EPA spill.

Similarly NNWO will work with Representative Ann Kirkpatrick (D-AZ) to request a hearing for the Navajo Technical Corrections bill in the first quarter of 2016.

NNWO will take actions based on the direction of the Navajo Nation Council, President Begaye, and Vice President Nez with regards to H.R. 1208, the Ft. Wingate Original Inhabitants Act. Until any further action is undertaken, NNWO will continue to follow the policy outlined in the Navajo Nation Council's resolution on H.R. 1208.

### **III. PROJECT STATUS**

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#### Army Corps of Engineers Projects

- Continue communication and coordination with U.S. Army Corps of Engineers regarding certain flood plain issues within the Navajo reservation.

#### Appropriations

- Fiscal 2017 – The House Appropriations Committee will prepare each of the 12 spending bills for floor consideration, but it is up to House leaders to make the effort to move those measures through the chamber — a challenging feat in any year, but even more so amid the heightened intensity of an election year. With the national party conventions occurring in July, appropriators are working under a truncated calendar and the looming partisan fights over policy riders, House Republicans are still hung up on setting overall discretionary spending levels, the step that's supposed to precede the divvying up of federal dollars among the 12 appropriations titles. Currently, fiscal conservatives are unhappy with the higher discretionary caps laid out in last year's budget agreement (PL 114-74). As a result, the path forward for Republican leaders remains unclear. Both chambers will go into recess on July 15 and return for the month of September starting the 6<sup>th</sup>. The House is then scheduled to be out of town from Oct. 1 until Nov. 14, and the Senate is slated to only work four days during that period. NNWO has been told by appropriations staff that a certain stopgap, short term continuing resolution (CR), will be necessary to take a government shutdown threat off the table ahead of the Nov. 8 elections. Additionally, many staffers on the hill have indicated that they believe there will be a full year CR for fiscal 2017.
- NNWO assisted the Sihasin Fund Subcommittee in its advocacy for increased funding from the federal government for water and sanitation construction February 23-24. NNWO scheduled and staffed meetings between the Sihasin Fund Subcommittee and the Bureau of Reclamation, Indian Health Service, Department of Agriculture, Office of Management and Budget, members of the House Appropriation Committee, and staffers for the House Appropriation Subcommittee on the Interior, Environment, and Related Agencies and the Subcommittee on Energy and Water Development, and Related Agencies.

## Education

- Accountability Workbook: President Begaye, DODE staff, Navajo Nation Board of Education members, and NNWO staff met with Assistant Secretary of Elementary and Secondary Education Ann Whalen to urge for the approval of the revised Navajo Nation Accountability Workbook. Over several days, the group met with multiple members of Congress to discuss the Accountability Workbook, BIE facilities, and DODE administrative goals. DODE has made revisions to the workbook to reflect changes from the new education law, the Every Student Succeeds Act. DODE resubmitted the revised workbook on Friday, March 18.
- Department of Dine Education Testimony-- NNWO staff coordinated with DODE to develop testimony for Dr. Tommy Lewis on the BIE 2017 FY Budget Request. Dr. Lewis provided testimony to the House Appropriations subcommittee on Friday, March 18.
- Dine College Act of 2016 -- NNWO staff and Dine College staff worked with Senator Flake's staff to introduce the Dine College Act (S2564/HR2958). The group met with congressional staff to advocate for support of the bill that modernizes prior legislation for Dine College facilities funding.
- Senate Committee on Indian Affairs Education Hearing scheduled for April 6: NNWO staff coordinated with DODE staff to review the following bills:
  - Tribal Early Childhood, Education, and Related Services Integration Act of 2015 (S 2304)
  - Safe Academic Facilities and Environments for Tribal Youth (SAFETY) Act (S2468)
  - Native American Education Opportunity Act (S2711)
  - Reforming American Indian Standards of Education Act of 2016 (RAISE) (S2580)
- Additional Accomplishments
- National Johnson O'Malley Conference (Feb 1) -- NNWO staff attended the conference in DC to support teachers, administrators, and students in attendance from the Navajo Nation. NNWO staff met with the DODE JOM Program Manager to review the "Johnson-O'Malley Supplement Indian Education Program Modernization Act" (HR4390) and discussed barriers in obtaining an accurate student count necessary for formula funding.
- American Indian Higher Education Consortium (AIHEC) Winter Legislative Summit (Feb 9-11) -- NNWO staff assisted Presidents from Dine College and Navajo Technical University and their staff during meetings with members of Congress where both TCUs presented AIHEC funding priorities and individual campus priorities.
- National Indian Education Association Hill Day (NIEA) (Feb 25) -- NNWO staff, DODE staff, members of the Navajo Nation Board of Education attended the NIEA legislative meeting and met with state delegations to present NIEA educational priorities.
- Center for Native American Youth Anniversary Reception (Feb 23) -- President Begaye and NNWO staff attended the annual reception and announcement of this year's Champions for Change. Sam Slater (member of the Navajo Nation) was recognized for his work connecting his fellow classmates with the Navajo Nation through an alternative spring break program. Slater was selected to serve as a 2016 Champion for Change.
- NCAI Annual Leadership Awards Banquet (Feb 23) -- Avery Black and Jovan Grandson were honored at the banquet for their participation in a stock market simulation

game. President Begaye and NNWO staff attended the banquet to support the Monument Valley High School students.

- Teach for America 25th Anniversary (Feb 6) -- NNWO staff attended the Native Alliance Initiate reception to welcome Native American TFA teachers that teach in tribal communities.
- National Council on the Humanities (March 3) -- NNWO staff attended the swearing in ceremony for Shelly Lowe (member of the Navajo Nation) as she joined the National Council on the Humanities. NNWO staff also met with staff from the National Endowment for the Humanities to identify funding opportunities for tribal communities. Funding information was disseminated to pertinent Navajo Nation offices.

#### Foreign Sales of Sacred Native American Cultural Heritage: Foreign Policy and Other Perspectives; U.S. Department of State, Washington, DC

- Sacred cultural heritage from Native American tribes continues to be sold at auction internationally. For centuries, Native American cultural heritage, including ancestral remains, funerary objects, sacred objects, and objects of cultural patrimony that have been exhumed, excavated, stolen, exchanged, studied, or taken under duress without the free, prior and informed consent of Native American tribes, has been moved beyond their boundaries, including beyond the boundaries of the United States. These auctions have led the Department of State, in partnership with other key stakeholders, to begin developing a strategic approach for returning these sacred objects to the tribes to which they belong.
- The sale of unique and irreplaceable cultural heritage is not new, as international organizations, governments, academia, museums, and the art world have been engaged in how to address this issue for decades. However, the political and private uses of cultural heritage have gained unfortunate prominence in recent years with the sale and sensational destruction of irreplaceable cultural heritage by terrorist groups such as the Taliban and the self-proclaimed Islamic State of Iraq and the Levant (ISIL or Daesh). This is both an important foreign policy issue that can be situated within the broader international efforts of the United Nations on indigenous issues and cultural heritage, an area in which the Department of State is very engaged on a number of fronts, and an issue of great importance to Native Americans (American Indians, Alaska Natives, and Native Hawaiians).
- The U.S. government is engaged in this issue internationally, supporting the outcome document of the 2014 World Conference on Indigenous Peoples recommends developing fair, transparent, and effective mechanisms for access to and repatriation of ceremonial objects and human remains at the national and international levels (paragraph 27). This is also an area in which the United States has expertise domestically, based on over a decade of implementing the U.S. Native American Graves Protection and Repatriation Act (NAGPRA). In addition to tribal nations' engagements with the U.S. government and foreign governments on this issue, Native American organizations such as the National Congress of American Indians (NCAI) have actively pursued resolutions to this issue, recently passing resolutions calling for U.S.

government, and particularly Department of State, action (NCAI Resolutions SD-15-004 and SD-15-074).

- The Native American Foreign Affairs Council (NAFAC) at the Department of State hosted this panel discussion in celebration of Native American Heritage Month 2015 with an a diverse pool of panelists shared their own critical perspectives. Invited guests included NNWO communications director Jared King, foreign policy, legal affairs, cultural heritage, museum and repatriation, tribal government and other experts. The goal of this panel discussion was to inform the audience, the panel, and the Department of State as the Department considers a strategic foreign policy approach.

#### Gold King Mine

- The NNWO is working to prepare for a follow up hearing to the Gold King Mine spill to be held in Arizona on March 22, 2016. The Senate Committee on Indian Affairs will hold the meeting. It was rescheduled in order to permit both Chairman Barrasso and Senator McCain to attend. The follow up hearing will also expand on any issues pertinent to the Nation with regards to the U.S. Environmental Protection Agency.

#### Grand Canyon Heritage National Monument

- NNWO worked and coordinated with Navajo Division of Natural Resources and Water Resources to provide input to Congressman Grijalva's staff on language of a Grand Canyon Heritage National Monument bill. The bill attempts to provide National Monument protection to public lands adjacent to the Navajo Nation and the Grand Canyon. Specifically the bill removes the land from mining consideration, which includes mining for uranium. Bill advocates are attempting to meet with key White House officials in April to discuss the potential for Presidential use of the Antiquities Act to declare the area north and south of the Grand Canyon a national monument. Several tribes have expressed support for the national monument designation, including the Havasupai, Hopi and San Carlos Tribes. Representative Kirkpatrick has not taken a stance on the bill that many environmental groups support and many Republicans including Representative Paul Gosar oppose. Representative Kirkpatrick has asked the Navajo Nation Council if the Council plans to issue a resolution supporting Representative Grijalva's bill.

#### Health

- NNWO coordinated with the Centers for Disease Control, National Institutes of Health, Substance Abuse and Mental Health Administration, Indian Health Service, Navajo Department of Health, Office of Diné Youth, Office of the President and Vice President, and several council delegates to get a successful and jam packed visit to the Navajo Nation from our federal partners. The focus of the visit and Navajo listening session were on mental health, suicide prevention, effects of the recent Gold King Mine Spill and legacy of uranium mining within the Navajo Nation. The purpose of their visit was to educate and then discuss how each one of the different visiting U.S. Department of

Health and Human Service agencies can work together with the Navajo Nation to better address the major issues facing the People.

- The Indian Health Service held its fiscal 2018 budget formulation on February 11-12 in Washington, DC to develop its recommendation to the U.S. Department of Health and Human Services. Council Delegate Leonard Tsosie represented the Navajo Area and was joined by Theresa Galvan, health service administrator, Navajo Department of Health, as the technical advisor. Additionally present were Alva Tom, Carey Tso and Marquis Yazzie, representatives from the Navajo Area IHS headquarters, and staff from NNWO.
- The U.S. Department of Health and Human Services held its 18th Annual Tribal Budget Consultation on March 2-3, at the Hubert H. Humphrey Building in Washington, DC. NNWO coordinated with NDOH and NNDSS to prepare for and represent the Navajo Nation at the consultation.
- The Navajo Nation's top priority for IHS funding, healthcare facilities construction, realized a \$20 million increase for fiscal 2016 over the flat funding of \$85 million over the past several years. As a result, NNWO has been told that a Notice of Availability of Funds will be sent to the Navajo Nation in the near future. IHS is currently looking to see if additional funds can be pulled from other areas to raise the amount for the Dilkon water line construction in 2016 from \$13 million to \$15 million. NNWO has facilitated several meetings between the Navajo Nation and IHS leadership regarding the water line construction and provision of water to the communities surrounding Dilkon.
- HR 3166, Native American Suicide Prevention Act. This bill amends the Public Health Service Act to require a state or state-designated entity, as a condition of receiving a grant or cooperative agreement for development or implementation of a statewide youth suicide early intervention and prevention strategy, to agree to consult with each federally recognized Indian tribe and tribal organization and each urban Indian organization regarding the development or implementation of the strategy.
- S. 536, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments under the Indian Health Service Loan Repayment Program and certain amounts received under the Indian Health Professions Scholarship Program. This bill would help attract and retain health professionals by making their student loan repayments nontaxable.
- S. 1497, a bill to exempt the Indian Health Service, the Bureau of Indian Affairs and certain other programs for Indians from sequestration.

#### Housing

- On Thursday, January 14, President Begaye met with Principal Deputy Assistant Director Lourdes Castro Ramirez to provide her an update on the progress of the Navajo Housing



Authority's progress in reducing its unexpended fund balance, discuss veterans housing and to continue the dialogue.

- In February 2016, the President's budget request was submitted to congress and released to the public. Included in the request was a request for \$700 million in Indian Housing Block Grant funds, which is \$50 million over the past years of flat \$650 funding. Included in the budget request was also language that was of concern to the Navajo Housing Authority. NNWO has met with NHA on the language and is working to raise awareness on the hill to this issue, but also advocate for the increased funding.
- The Navajo Housing Authority visited the NNWO and met with NNWO staff on March 15 to provide an update on its NAHASDA Indian Housing Block Grant expenditure plan and recent developments regarding veterans housing and other initiatives.
- NNWO joined the Navajo Housing Authority on the hill during its advocacy week in Washington, DC and assisted staff during a schedule overlap. NNWO then met with NHA board and staff to hear how the hill advocacy meetings went and what follow up was needed.
- NAHASDA Reauthorization – the House passed its version of the Native American Housing Assistant and Self Determination Act in spring of 2015. The Senate bill made it out of committee during the summer of 2015. There was a behind the scenes attempt to include the Senate NAHASDA language in the fiscal 2016 omnibus bill, but those efforts failed. From the meetings NHA and NNWO has had in recent weeks, the path forward on NAHASDA reauthorization continues to be uncertain for the leadership on the hill.

#### Labor

- NNWO will continue to monitor the progress of the Tribal Labor Sovereignty Act of 2015, which would make it clear that tribal labor issues are not within the jurisdiction of the National Labor Relations Board. NNWO has forwarded the Navajo Nation Council resolution in support of the bill to key members of Congress as well as bill advocates, which include the U.S. Chamber of Commerce. The bill has already passed the House of Representatives and is likely to be scheduled for a vote this year in the Senate. Republicans unanimously support the bill, and most Democrats have opposed it. Senators Heinrich and Udall have not indicated their positions on the bill.

#### Natural Resources

- S. 2012, Senator Murkowski's, R-Alaska, bipartisan energy legislation had strong support in January until Democrats insisted it include an amendment providing an aid package to address the drinking water crisis in Flint. A bipartisan compromise promised a vote on a separate bill, S. 2579, to provide assistance to Flint while also establishing a pathway for other communities in similar trouble to seek federal funding assistance, but two holds

have blocked the deal from moving forward. Sen. Mike Lee, R-Utah, put a hold on the Flint portion of the deal citing its cost and an absence of offsets. Sen. Bill Nelson, D-Fla., also refuses to lift his hold to the energy bill over an offshore oil revenue sharing amendment. Those two holds are the only blocks to a vote. On January 28, 2016, Senator Barrasso's Indian Tribal Energy Development and Self-Determination Act Amendments of 2016 was included in this bill through Floor Amendment No. 3029 (2953) to S 2012.

- S. 209, the "Indian Tribal Energy Development and Self-Determination Act Amendments" as amended, passed in the Senate by unanimous consent on December 10, 2015. It was received in the House and referred to the House Natural Resources Committee and the House Energy and Commerce Committee.
- HR 538, on October 8, 2015 the House passed the "Native American Energy Act". It is a bill that would reduce federal regulations on the development of Indian lands to expedite the development of energy. As amended, the bill would allow state, tribe, and local governments in an affected area to continue to comment on an environmental impact statement. Further, the bill would create a demonstration project with Indian tribes to perform administrative, management, and other functions of programs of the Tribal Forest Protection Act. Passed by a vote 254-173.
- S. 2681, the "San Juan County Settlement Implementation Act". It was introduced by Senator Heinrich on March 15, 2016 and is a bill to authorize the Secretary of the Interior to retire coal preference right lease applications for which the Secretary has made an affirmative commercial quantities determination, to substitute certain land selections of the Navajo Nation if desired by the Navajo-Hopi Land Commission, to designate certain wilderness areas, and for other purposes.
- S. 1879, the Interior Improvement Act. It is a compromise bill with two main objectives. The first is to make clear that the secretary of the Interior has the authority under the Indian Reorganization Act to take land into trust for any federally recognized tribe and the second objective is ratifying and confirming prior land-into-trust decisions. The Navajo Nation took a position supporting an alternate bill, Senator Tester's S. 732.
- S. 732/HR 407. These identical bills amend the Indian Reorganization Act to apply the Act to all federally recognized Indian tribes, regardless of when any tribe became recognized. In *Carcieri v. Salazar*, 555 U.S. 379 (2009), the U.S. Supreme Court looked at the plain language of the Indian Reorganization Act and held that the term "now under Federal jurisdiction" referred only to tribes that were federally recognized when the Indian Reorganization Act became law, and the federal government could not take land into trust for tribes that were recognized after 1934. The Navajo Nation does not have a Carcieri issue, but, due to the massive amounts of litigation surrounding land intro trust and the fact that every time Interior takes land into trust now, they must go through an

exhaustive process to prove that the tribe was under federal jurisdiction in 1934. As a result, there it is a ripple effect to the Navajo Nation - loss of Interior's time, money and manpower that could have been spent elsewhere. The Navajo Nation took a position supporting S. 732.

#### Navajo-Hopi Land Commission

- NNWO staffed members of the Navajo Nation Council during the House Appropriation Subcommittee on the Interior, Environment, and Related Agencies Budget Hearing for the Office of Navajo and Hopi Indian Relocation (ONHIR). During that hearing, Chris Bavasi, ONHIR Executive Director, testified that the ONHIR intended to close its doors at the end of fiscal 2018. Following the hearing, NNWO distributed Mr. Bavasi's testimony and alerted the Navajo-Hopi Land Commission members, staff and OPVP to the statements made by Mr. Bavasi.
- The U.S. Department of Interior, Office of Inspector General (OIG) February 17, 2016 Report was obtained by NNWO and distributed to the NHLC, NNDOJ and OPVP. The OIG evaluation was prepared at the request of the House Appropriations' Subcommittee, which included language in ONHIR's fiscal year 2015 appropriation directing ONHIR to provide the OIG with funding for audits and investigations of ONHIR's operations. Although the OIG did not find opportunities for streamlining the administrative appeals process, they found that there might be opportunities to streamline the on-reservation relocation process and expedite the overall relocation process. Specifically, the on-reservation relocation process can benefit from the Navajo Nation's use of existing authority to lease its land without seeking approval from the Bureau of Indian Affairs. In addition, the overall relocation process can be better streamlined by establishing reasonable timeframes for completion of specific steps. OIG also looked into complaints from relocatees in the Navajo Nation's New Lands communities and the Hopi Tribe's Spider Mound community. The review determined that there are legitimate concerns in the East Mill Subdivision of New Lands. Because the settlement issues will likely continue to afflict the East Mill area, further mitigation measures—and possibly more relocations—may be needed to ensure the health and safety of the East Mill residents. This report assisted NNWO in its development of testimony submitted to the House Appropriation Subcommittee on the Interior, Environment, and Related Agencies.
- On March 15-17, NNWO scheduled and staffed meetings between the NHLC and members of congress and the administration in support of H.R. 3911, a technical amendments bill that includes language to ease growth and development on the former Bennett Freeze lands. In addition to advocating for the technical amendments bill, the NHLC pushed for an oversight hearing over the Office of Navajo and Hopi Indian Relocation on the Senate side.

- NNWO assisted NHLC Chairman Phelps with both his written and oral testimony before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies on March 18.
- H.R. 3911. The bill is similar to the bill the bill Rep. Kirkpatrick during the last Congress. However, there were modifications done to the bill to ensure that it explicitly stated the provisions aimed at expediting the rehabilitation of the Former Bennett Freeze area did not apply to any development within the rim of the Grand Canyon. NNWO and the NHLC have held many hill meetings over the past quarter advocating for the House Natural Resources Committee to hold a hearing on this bill.

#### PROMISE ZONE APPLICATION

- NNWO worked with staff members from each of the congressional offices from the State of New Mexico to obtain support for the Navajo Nation to be selected in the next round of promise zone designation. A NM delegation letter was sent to Secretary Vilsack on March 8.
- NNWO worked with staff members from Senator McCain and Senator Flake's offices to obtain a letter in support of the Navajo Nation for the next round of promise zone designation. A joint letter from the two Arizona Senators was sent to Secretary Vilsack on March 8.
- NNWO worked with staff from Representative Kirkpatrick's office to obtain a letter in support of the Navajo Nation for the next round of promise zone designation. Representative Kirkpatrick signed a letter in support of the promise zone designation on March 9.

#### Public Safety

- Continue communication and coordination with U.S. Department of Justice on issues related to the Navajo Nation. NNWO will also communicate with BIA law enforcement in order to obtain the status of funding as a result of the Omnibus bill passage.

#### RECA

- S. 331/HR 994, Radiation Exposure Compensation Act Amendments (RECA). Identical bills have been introduced in the House and the Senate. Representative Lujan introduced HR 994 and it is currently co-sponsored by 17 democrats and 1 republican. S. 331 was introduced by Senator Crapo, R-Idaho, and is cosponsored by Senators Udall, D-NM, Heinrich, D-NM, Risch, R-Idaho, and Bennet, D-Colorado. President Begaye and Vice President Nez sent a letter to House Judiciary Chairman Goodlatte and Ranking Member Conyers on February 18 urging them to hold a hearing on the bill. NNWO has been in close contact with Rep. Luajan and Senator Udall's staff on the bill. NNWO also provided briefings on the bills to OPVP and NDOH, as well as prepared a brief handout for a recent pubic meeting in Shiprock.

## Taxation

- NNWO contacted the U.S. Department of Treasury and coordinated a conference call between the leadership at the Treasury Offset Program, NNDOJ, NNOMB, and the Navajo Nation Office of the Controller to discuss ongoing interceptions of Navajo Nation grant monies by the Offset Program. The call was the first step for the Navajo Nation to resolving the issue that resulted in recent major losses by Navajo Nation programs receiving federal funding.
- HR 2775, the Remote Transactions Parity Act, is a bill that would permit states to participate in a regulatory framework created to require the collection and remittance of sales tax from transactions made over through the internet, by phone, etc. Congressman Chaffetz has tried to move forward with his bill, but it does not currently have the support of the chairman of the House Judiciary Committee. It is unlikely this bill will pass the House prior to the conclusion of the 114<sup>th</sup> Congress. Regardless, NNWO continues to advocate for the inclusion of tribes.
- HR 1542/S 835, a bill to amend the Internal Revenue Code of 1986 to recognize Indian tribal governments for purposes of determining under the adoption credit whether a child has special needs. The purpose of this bill is to permit the adoptive parents of special needs children that go through tribal court for the adoption to receive a \$10K adoption tax credit. The current law only permits adoptive parents that proceed through state court to receive the credit. Parity is needed. The Navajo Nation has not taken a position on these bills. NNWO recommends the Navajo Nation support them.
- S 947, a bill to amend the Internal Revenue Code of 1986 to permanently extend the depreciation rules for property used predominantly within an Indian reservation. This tax credit typically gets extended one to two years at a time. It is an extremely important tax credit because it helps to attract long-term investments in Indian Country. The Navajo Nation has not taken a position on this bill. NNWO recommends the Navajo Nation support this bill.
- HR 1522, a bill to amend the Internal Revenue Code of 1986 to extend and improve the Indian coal production tax credit. NNWO continues to advocate on behalf of extension of this important tax credit to the Nation. It was extended through calendar year 2016 through the last round of tax credit extensions.

## Transportation

- The current highway bill (H.R. 22, Fixing America's Transportation Act (FAST)) reauthorizes the Tribal Transportation Program for five years. The bill authorizes \$465 million for fiscal 2016; \$475 million for fiscal 2017; \$485 million for fiscal 2018; \$495 million for fiscal 2019; and \$505 million for fiscal 2020. This is up from \$450 million FY 2015. NNWO worked with a tribal consortium to raise awareness for roads funding and advocate to Congress for increases in transportation funding.

- Continue visits to Department of Transportation and the BIA regarding any updates on transportation and any implementation of regulations.

#### Tribal Advisory Committees

- The National Indian Health Board held a quarterly meeting January 20-21, in Washington, DC. President Begaye represented the Navajo Area at the meeting. There, he advocated for improved patient services from Indian Health Services, establishment of health research partnerships, and in-patient mental health services to visiting federal officials, partner organizations and congressional staff. NNWO attended and provided technical advice.
- The Centers for Disease Control Tribal Advisory Committee convened on February 9-10 in Atlanta, GA. Vice President Nez represented the Navajo Area at the meeting. NDOH attended and provided technical advice with coordination assistance from NNWO.
- The Substance Abuse and Mental Health Administration Tribal Advisory Committee convened on February 24 in Bethesda, MD. Council Delegate Crotty represented the Navajo Area at the meeting. NDOH attended and provided technical advice with coordination assistance from NNWO.
- The National Institutes of Health Tribal Consultation Advisory Committee convened February 25-26 in Bethesda, MD. Council Delegate Phelps represented the Navajo Area at the meeting.
- The Centers for Medicare and Medicaid Tribal Technical Advisory Group met February 25-26 in Washington, DC. President Begaye represented the Navajo Area. NNWO attended and provided technical advice.
- The U.S. Department of Health and Human Services Secretary's Tribal Advisory Committee met on March 1-2 in Washington, DC. NDOH, NNDSS, and NNWO attended the meeting.
- The U.S. Department of Interior Tribal-Interior Budget Council met on March 22-23 in Washington, DC. Vice President Nez, Council Delegate Kee Allen Begay and OPVP COS Arbin Mitchell represented the Navajo Area. On March 23, Vice President Nez presented the fiscal 2018 budget priorities for the Navajo Area. NNWO attended and assisted with the development of the budget presentation.

#### Trust Modernization

- President Begaye was a key speaker on a panel at the National Museum of the American Indians in January to discuss trust modernization. NNWO worked with the Navajo Nation Department of Justice to help develop talking points this national presentation.

U.S. Department State consultation with tribal leaders and follow up on the World Conference on Indigenous Peoples

- On Thursday, February 26, the U.S. Department of State hosted a consultation with tribal leaders and indigenous peoples and organizations to discuss the follow up to the World Conference on Indigenous Peoples. Council Delegates Dwight Witherspoon, and Jonathan Hale participated in the consultation representing the Subcommittee on Sacred Sites. They called on the U.S. Department of State to assist in the revision and strengthening the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) that will implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) at the U.N. level, and assist nation-states with implementing UNDRIP domestically. Joining Delegates Witherspoon and Hale was Timothy Begay, Navajo Nation Historic Preservation Department, and Rodney Tahe from the Navajo Nation Human Rights Commission.
- On the subject of sovereign tribal governments full participation within the U.N., Delegate Witherspoon referred to a 2009 Intergovernmental Resolution that called for permanent observer status for the Navajo Nation within the U.N. The Navajo Nation continues to seek permanent observer status within the U.N.
- Sacred cultural heritage from Native American tribes continues to be sold at auction internationally. For centuries, Native American cultural heritage, including ancestral remains, funerary objects, sacred objects, and objects of cultural patrimony that have been exhumed, excavated, stolen, exchanged, studied, or taken under duress without the free, prior and informed consent of Native American tribes, has been moved beyond their boundaries, including beyond the boundaries of the United States. These auctions have led the Department of State, in partnership with other key stakeholders, to begin developing a strategic approach for returning these sacred objects to the tribes to which they belong.
- The sale of unique and irreplaceable cultural heritage is not new, as international organizations, governments, academia, museums, and the art world have been engaged in how to address this issue for decades. However, the political and private uses of cultural heritage have gained unfortunate prominence in recent years with the sale and sensational destruction of irreplaceable cultural heritage by terrorist groups such as the Taliban and the self-proclaimed Islamic State of Iraq and the Levant (ISIL or Daesh). This is both an important foreign policy issue that can be situated within the broader international efforts of the United Nations on indigenous issues and cultural heritage, an area in which the Department of State is very engaged on a number of fronts, and an issue of great importance to Native Americans (American Indians, Alaska Natives, and Native Hawaiians).
- The U.S. government is engaged in this issue internationally, supporting the outcome document of the 2014 World Conference on Indigenous Peoples recommends developing fair, transparent, and effective mechanisms for access to and repatriation of ceremonial objects and human remains at the national and international levels (paragraph 27). This is also an area in which the United States has expertise domestically, based on over a decade of implementing the U.S. Native American Graves Protection and Repatriation Act (NAGPRA). In addition to tribal nations' engagements with the U.S. government and foreign governments on this issue, Native American organizations such as the National Congress of American Indians (NCAI) have actively

pursued resolutions to this issue, recently passing resolutions calling for U.S. government, and particularly Department of State, action (NCAI Resolutions SD-15-004 and SD-15-074).

#### Upcoming U.N. and U.S. Consultations on World Conference Follow-Up

- The U.N. is expected to take action to develop new rules to facilitate indigenous governments' participation in the UN and to establish a body to monitor implementation of the UN Declaration on the Rights of Indigenous Peoples.

#### United Nations consultations on indigenous governments' participation

- In March, the U.N. announced its consultation schedule with member states and indigenous peoples to determine how best to enable the participation of indigenous peoples' representatives and institutions at the U.N. The president of the General Assembly will use the consultations to develop a draft text for adoption by the U.N. General Assembly at its 71<sup>st</sup> Session, which opens in September 2016. The consultation process is as follows:
  - March 8-April 8: Electronic consultations
  - April 27: First draft of the compilation to be circulated
  - May 11: First consultation meeting during the 15th session of the Permanent Forum on Indigenous Issues in New York
  - May 16: Second draft of the compilation circulated
  - May 18: Second consultation meeting during the 15th session of the Permanent Forum on Indigenous Issues in New York
  - May 27: Third draft of the compilation circulated
  - June 28: Third consultation meeting in New York
  - July 11: The final compilation circulated and a presentation during the 8th session of the Expert Mechanism on Rights of Indigenous Peoples in Geneva

#### Utah Land Issues

- Continue monitoring the progress of the Bears Ears Coalition and Representatives Chaffetz and Bishop on their dueling proposals impacting the land in the Bears Ears area. Representatives Chaffetz and Bishop have issued their proposal that includes other areas beyond Bears Ears, called the Public Lands Initiative. The Bears Ears Coalition and Utah Diné Bikéyah also issued their own proposal prior to the Public Lands Initiative. There has been a flurry of op-eds in newspapers across the country, including the New York Times on both sides of this issue. Discussions on the two proposals have not advanced since February.

#### Veteran Affairs

- Continue coordination with Congress, U.S. Department of Veteran Affairs and the Navajo Nation on Navajo Veterans issues.
- During the Native American Heritage Month, the office coordinated with the House Committee on Veterans affairs in showing a movie to Congressional staff highlighting Navajo veterans as well as having President Begaye discuss the issues facing Navajo



veterans. As a direct result, Representative Jeff Miller has indicated his interest in visiting the Navajo Nation and meeting with veterans in the upcoming year. NNWO will work to coordinate a visit.

- The National Museum of the American Indian has approached the NNWO and is interested in holding a consultation for a proposed Native American Veterans Memorial in Washington, D.C. The consultation would be held on the Navajo Nation in October 2016. A date has not been set, but will be announced when final. The consultation will be directly with Navajo veterans to gain their input on a potential memorial.

#### I.V. BUDGET STATUS

Description of Account Range	FY 2016 Approved Budget	FY 2016 Revised Budget	Total Expenditures (March 24,2016)	Encumbrance Balance (March 24,2016)	Amount Remaining (March 24, 2016)	% Expensed (March 24 2016)
Personnel	\$ 1,031,473	\$ 1,031,473	\$ 316,119	\$ 0	\$ 715,354	31%
Operations	\$ 433,144	\$ 469,081	\$ 223,482	\$ 74,098	\$ 171,501	63%
Total	\$ 1,464,617	\$ 1,500,554	\$ 539,601	\$ 74,098	\$ 886,855	41%

##### Personnel

As of March 24, 2016 Personnel are currently 31% expensed of its total FY 2016 Personnel approved budget of \$1,031,473 with \$715,354 remaining. The hiring process is nearly complete for two positions, and will be announced presently.

##### Operations

As of March 24, 2016, there was \$171,501 remaining in the total operations budget including the encumbrance balance of \$74,098 for the lease and rental space. This balance includes an Indirect Cost Recovery carryover in the amount of \$35,937. The Navajo Nation Washington Office is currently in the process of moving \$29,791 from the total operations budget and in to the encumbrance balance, to cover the remaining months of the lease and rental for FY 2016.

##### Staffing

There are seven full-time employees currently at the NNWO, zero part time employees and one temporary consultant for IT services. The NNWO contracts with Navajo-owned NOVA Corporation to perform on-site IT services. The hiring process is nearly complete for two positions, Deputy Executive Director and Government and Legislative Affairs Associate. The hiring announcement will be made presently. NNWO is current on Navajo Nation Department of Personnel Management (DPM) requirements for Employee Performance Appraisal Forms and will continue to work with Navajo Nation DPM on appropriate grade step increases and merit options.

#### **IV. OPERATIONAL & PROCESS IMPROVEMENT INITIATIVE STATUS**

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At the outset of this administration, the fiscal year was 2/3 complete and the FY 2015 budget was already overspent. The budget was overspent partially because spending assumptions included a significant indirect costs (IDC) carryover, as in years past. The IDC carryover was only a small fraction of that in previous budgets – unfortunately this created a deficit. There were also a few costs that will not be repeated moving forward unless there is material change in the overall Navajo Nation budget revenue projections. Costs that will not be repeated in FY 2016 include:

- Trip to recover sacred art in France (while important will require outside funding)
- Staff retreat (while important will require outside funding)
- Outside legislative consultant on transportation (NNWO has since developed in-house expertise on this issue)

These expenses were beneficial, however given the current budget scenario and the need to ensure there are no similar issues in FY 2016, these expenses will not be repeated. NNWO also identified savings of nearly \$9,000 by not renewing certain Congressional database subscriptions. NNWO will however retain other database subscriptions that provide real-time updates on legislation and alerts for new regulations that directly impact Navajo Nation interests.