

**LEGISLATIVE SUMMARY SHEET**  
Tracking No. **0023-22**

**DATE:** January 23, 2022

**TITLE OF RESOLUTION:** AN ACT RELATING TO HEALTH EDUCATION AND HUMAN SERVICES, LAW AND ORDER, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING CERTAIN SECTIONS OF THE NAVAJO NATION CODE TO TRANSFER LEGISLATIVE OVERSIGHT OVER VETERAN SERVICES TO THE NAABIK'ÍYÁTI' COMMITTEE

**PURPOSE:** This resolution, if approved, will amend certain sections of the Navajo Nation Code to transfer legislative oversight over veteran services to the Naabikiyati Committee.

**This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.**

5-DAY BILL HOLD PERIOD: VORLAWSE  
Website Posting Time/Date: January 27, 2022 7:15pm  
Posting End Date: February 1, 2022  
Eligible for Action: February 2, 2022

Health Education & Human Services Committee  
Thence  
Law & Order Committee  
Thence  
Naabik'íyáti' Committee  
Thence  
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24<sup>th</sup> NAVAJO NATION COUNCIL – Fourth Year, 2022

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. **0023-22**

AN ACT

RELATING TO HEALTH EDUCATION AND HUMAN SERVICES, LAW  
AND ORDER, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO  
NATION COUNCIL; AMENDING CERTAIN SECTIONS OF THE NAVAJO  
NATION CODE TO TRANSFER LEGISLATIVE OVERSIGHT OVER  
VETERAN SERVICES TO THE NAABIK'ÍYÁTI' COMMITTEE

BE IT ENACTED:

SECTION ONE. FINDINGS

- A. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council and has the power to review and recommend resolutions relating to veterans and veteran services. 2 N.N.C. §§ 400(A), 401(B)(6). In addition, the Health Education and Human Services Committee shall recommend to the Navajo Nation Council... to rescind that plan of operation or an existing plan of operation for any Division or Department under the Committee's oversight. 2 N.N.C. § 401 (C)(1).
- B. The Law and Order Committee is a standing committee of the Navajo Nation Council and has the power to review and make recommendations to the Navajo Nation Council on proposed amendments to and enactments in the Navajo Nation Code. 2 N.N.C. §§ 600(A), 601(B) (14)

- 1 C. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council  
2 and has the power to review proposed legislation which requires final action by the  
3 Navajo Nation Council. 2 N.N.C. §§ 700(A), 164(A)(9). In addition, the Naabikiyati  
4 Committee serves as the oversight for the Office of Legislative Services and other  
5 offices, programs, commissions, boards or task forces under the Legislative Branch  
6 of the Navajo Nation Government, unless otherwise designated by Navajo Nation  
7 law, and to approve and amend plans of operation thereto. 2 N.N.C. § 701 (A)(5)
- 8 D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §  
9 102(A).

## 11 **SECTION TWO. FINDINGS**

- 12 A. In 2011, the Navajo Nation Council adopted Resolution CAP-10-11 which amended  
13 certain sections of the Navajo Nation Code, Title 2 §§ 101 through 835, to conform  
14 to the newly established 24-member Navajo Nation Council and made necessary  
15 revisions to the legislative process and current standing committee structure.
- 16 B. Resolution CAP-10-11 established the Health, Education and Human Services  
17 Committee with legislative oversight over veteran services. 2 N.N.C. § 400(C)(3).
- 18 C. The purpose of this legislation is to transfer legislative oversight over veteran services  
19 from the Health, Education and Human Services Committee to the Naabikiyati  
20 Committee.
- 21 D. The Navajo Nation Council finds it in the best interest for the Navajo Nation Veterans  
22 Administration and Navajo Nation Veterans Advisory Council to be under the  
23 legislative oversight of the Naabikiyati Committee because Diné veterans are highly  
24 honored in Diné society and culture and all veteran matters and concerns should be  
25 addressed by the full Council at the Naabikiyati Committee level.

## 27 **SECTION THREE. AMENDING TITLE 2 OF THE NAVAJO NATION CODE TO** 28 **TRANSFER LEGISLATIVE OVERSIGHT FOR THE NAVAJO NATION** 29 **VETERANS ADMINISTRATION AND NAVAJO NATION VETERANS** 30 **ADVISORY COUNCIL TO THE NAABKIYATI COMMITTEE**

1  
2 The Navajo Nation hereby amends the Navajo Nation Code, Title 2, as follows:  
3

4  
5 **TITLE 2. NAVAJO NATION GOVERNMENT**

6 **CHAPTER 5. EXECUTIVE BRANCH**

7 **SUBCHAPTER 1. Generally**

8 \*\*\*\*

9 **Article 3. Navajo Nation Veterans Administration**

10 \*\*\*\*

11 **§ 1033. Navajo Housing Program**

- 12 A. There is hereby established a Navajo Veterans Housing Program within the Navajo  
13 Veterans Administration.
- 14 B. The Navajo Veterans Housing Program shall be administered by the Navajo Veterans  
15 Administration.
- 16 C. Duties and Responsibilities of the Navajo Veterans Housing Program shall include  
17 administering the Navajo Nation Veterans Administrations Housing Program Policies  
18 and Procedures. The Veterans Administration Housing Program Policies and  
19 Procedures shall be approved by the ~~Health, Education and Human Services Committee~~  
20 Naabik'íyáti' Committee, upon the recommendation of the Navajo Nation Veterans  
21 Advisory Council.

22 \*\*\*\*

23 **§ 1035. Oversight**

24 The Navajo Nation authorizes the establishment of the Navajo Nation Veterans  
25 Administration, the Navajo Veterans Housing Program, and the Navajo Nation Veterans  
26 Advisory Council. Legislative oversight shall be provided by the ~~Health, Education, and~~  
27 ~~Human Services Committee~~ Naabik'íyáti' Committee of the Navajo Nation Council, which  
28 will have final approval of the respective plans of operation.

29 \*\*\*\*  
30

1 **SECTION FOUR. AMENDING 2 N.N.C §§ 400 *et. seq.* AND 2 N.N.C. § 701 TO**  
2 **TRANSFER LEGISLATIVE OVERSIGHT FOR VETERAN SERVICES FROM**  
3 **THE HEALTH EDUCATION AND HUMAN SERVICES COMMITTEE TO THE**  
4 **NAABKIYATI COMMITTEE**

5 The Navajo Nation hereby amends the Navajo Nation Code, Title 2, as follows:  
6  
7

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8 **TITLE 2. NAVAJO NATION GOVERNMENT**

9 **CHAPTER 3. LEGISLATIVE BRANCH**

10 **SUBCHAPTER 9. STANDING COMMITTEES**

11 **\*\*\*\***

12 **Article 2. Health, Education and Human Services Committee**  
13

14 **§ 400. Establishment; Membership; Purposes**

15 **\*\*\*\***

16 (C) The purposes of Committee are:  
17

17 **\*\*\*\***

18 (3) To oversee Navajo Nation efforts in implementing and ensuring compliance with  
19 employment and labor laws and policies of the Navajo Nation, ~~and the laws relating to~~  
20 ~~veterans services.~~  
21

22 **§ 401. Powers**

23 **\*\*\*\***

24 B. The Committee Shall have the following enumerated powers:  
25

25 **\*\*\*\***

26 6. To review and recommend:

- 27 a. Resolutions relating to social services, health, environmental health,  
28 education, ~~veterans and veterans services~~, employment and labor.  
29 b. Navajo Nation agreements and contracts negotiated with federal, state,  
30 regional, and tribal governments, private and Navajo Nation health and

1 social service authorities, including environmental health, ~~Veterans~~  
2 ~~service~~ or education services subject to applicable laws of the Navajo  
3 Nation.

4 \*\*\*\*

5 7. To represent the Navajo Nation:

- 6 a. at local, state, federal levels, in coordination with the President of the  
7 Navajo Nation and Naabik'iyáti' Committee on proposed legislation,  
8 funding and other actions affecting health, environmental health,  
9 social services, education, ~~veterans services~~, employment, training  
10 and labor.

11 \*\*\*\*

12 **C. Oversight**

13 \*\*\*\*\*

- 14 6. To serve the oversight authority for employment, labor, ~~veteran services~~, training  
15 and statistics.

16 \*\*\*\*

17  
18 **SUBCHAPTER 9. STANDING COMMITTEES**

19 **ARTICLE 5. Naabik'iyáti'**

20 \*\*\*\*

21 **§ 701. Powers**

22 \*\*\*\*

- 23 14. To serve as the oversight committee for all veterans and veteran services unless  
24 otherwise designated by Navajo Nation law, and to approve and amend plans of  
25 operation thereto.

26 \*\*\*\*\*

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27 **SECTION FIVE. EFFECTIVE DATE**

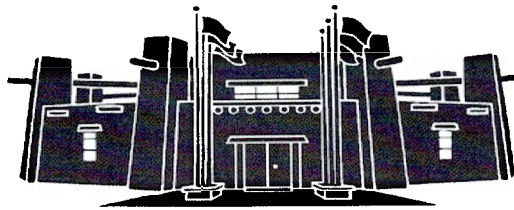
28 This Act and the Navajo Nation Code amendments enacted herein shall be effective  
29 pursuant to 2 N.N.C. § 221(B).  
30

1       **SECTION SIX. CODIFICATION**

2       The provisions of this legislation which amend the Navajo Nation Code shall be codified  
3       by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate  
4       such amended provisions in the next codification of the Navajo Nation Code.


5  
6       **SECTION SEVEN. SAVINGS CLAUSE**

7       Should any provisions of this legislation be determined invalid by the Navajo Nation  
8       Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo  
9       Nation Supreme Court, those portions of this legislation which are not determined invalid  
10      shall remain the law of the Navajo Nation.



## MEMORANDUM

TO : Eugenia Charles-Newton., Sponsor  
24<sup>th</sup> Navajo Nation Council

FROM :   
Chad Abeyta, Attorney  
Office of Legislative Counsel

DATE : January 23, 2022

RE : **AN ACT RELATING TO HEALTH EDUCATION AND HUMAN SERVICES, LAW AND ORDER, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING CERTAIN SECTIONS OF THE NAVAJO NATION CODE TO TRANSFER LEGISLATIVE OVERSIGHT OVER VETERAN SERVICES TO THE NAABIK'ÍYÁTI' COMMITTEE**

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution as drafted is legally sufficient. Regarding substance, as with any legislation, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want.

If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.

22-025-1



THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0023-22\_

SPONSOR: Eugenia Charles-Newton

**TITLE: An Act Relating to Health, Education and Human Services, Law and Order, and Naabik'íyáti' Committees and the Navajo Nation Council; Amending Certain Sections of the Navajo Nation Code to Transfer Legislative Oversight Over Veteran Services to the Naabik'íyáti' Committee**

***Date posted:*** January 27, 2022 at 7:15PM

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)

Written comments may be mailed to:

Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

**Please note:** This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY**

**LEGISLATION NO.: 0023-22**

**SPONSOR: Honorable Eugenia Charles-Newton**

**TITLE: An Act Relating to Health, Education and Human Services, Law and Order, and Naabik'iyáti' Committees and the Navajo Nation Council; Amending Certain Sections of the Navajo Nation Code to Transfer Legislative Oversight Over Veteran Services to the Naabik'iyáti' Committee**

**Posted: January 27, 2022 at 7:15 PM**

**5 DAY Comment Period Ended: February 1, 2022**

**Digital Comments received:**

<b>Comments Supporting</b>	1.) Edward Wagner Jr. 2.) Calvin Charlie 3.) Lloyd Begaye
<b>Comments Opposing</b>	<i>None</i>
<b>Comments/Recommendations</b>	1.) Paul J. George

*VSRedhorse*

**Legislative Tracking Secretary  
Office of Legislative Services**

**February 3, 2022; 10:00 AM**

**Date/Time**

0023-22

Edward Wagner <wagneredward676@gmail.com>

Tue 2/1/2022 1:11 PM

To: comments <comments@navajo-nsn.gov>;

I am in support of Legislation 0023-22

Ed Wagner Jr

Many Farms Veteran

WARNING: External email. Please verify sender before opening attachments or clicking on links.

0023-22

Calvin Charlie <ccharlie4969@gmail.com>

Tue 2/1/2022 1:11 PM

To: comments <comments@navajo-nsn.gov>;

Yá'át'ééh, to all concerned from TeecNosPos King/Clark Veterans we are in concurrence with moving the Navajo Nation Veterans Advisory council from the HEHS committee to Náábí'k'lyátí. This will enhance greater exposure of veterans issues to all Navajo Nation council delegates for better understanding and promote results that benefit the veterans. Áhé'héé  
Calvin Charlie, TeecNosPos CVO cmdr.

Sent from my iPhone

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Lloyd Begaye <begaye15.l@gmail.com>

Yesterday, 1:13 PM

comments

Reply all |

Legislation IS IN THE BEST INTEREST FOR OUR VETERANS!!

Lloyd Begaye <begaye15.l@gmail.com>

Yesterday, 1:13 PM

EDITING : isn't to Is!!

Lloyd Begaye <begaye15.l@gmail.com>

Yesterday, 1:13 PM

As the Commander of the Shiprock Chapter Veterans Organization, I support and acknowledge the proposed Legislation isn't the best interest of our CVO members.

Thank you,

Lloyd Begaye, SCVO Cmdr

WARNING: External email. Please verify sender before opening attachments or clicking on links.

February 2, 2022

NNC LEGISLATION NO. 0023-22 is redundant legislation to Navajo Nation Council Standing Committees to attempt transfer oversight over veterans' services.

#### REDUNDANCY COMMITTEE'S RESPONSIBILITY

#### **AMENDING CERTAIN SECTIONS OF THE NAVAJO NATION CODE TO TRANSFER LEGISLATIVE OVERSIGHT OVER VETERAN SERVICES TO THE NAABIK'IY ATI' COMMITTEE.**

A. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council and has the power to review and recommend resolutions relating to veterans and veteran services.

B. The Law and Order Committee is a standing committee of the Navajo Nation Council and has the power to review and make recommendations to the Navajo Nation Council on proposed amendments to and enactments in the Navajo Nation Code.

C. The Naabik'iyati' Committee is a standing committee of the Navajo Nation Council and has the power to review proposed legislation which requires final action by the Navajo Nation Council.

#### REMEDATION

Instead of passing the buck (transfer oversight), Navajo Nation Council to create Interim Navajo Nation Council Committee to address "Military and Veterans Affairs". The applicable Navajo Nation Council Standing Committee appoint its member to the Interim Council Committee.

The Navajo Nation Veterans' Services is the least understood Navajo Nation Program Services. On February 3, 2016 the Navajo Nation enacted Navajo Veterans Act that codified the Navajo Veterans legal entity of the Navajo Nation government. In 1971 Navajo Nation established the Office of Navajo Veterans Affairs, did not codify.

#### RECOGNITION OF NATIVE AMERICAN VETERANS

March 21, 2016 then NN President, Russell Begaye, wrote a question letter to U.S. Veterans Administration, re: "VA not recognized organized Native American Veterans under U.S. Code of Federal Regulations. Title 38 Part 14.628: that authorizes preparation, presentation and prosecution of Federal Veterans' Benefit claims." March 21, 2017 VA amended its regulation to recognition of tribal organization.

#### NAVAJO VETERANS ACT

Upmost important purpose of the Navajo Veterans Act is to get Navajo Nation designated U.S. Veterans Administration (VA) Region. This allow federal veterans' benefits and services be make available on Navajo Nation and neighboring Native land. Navajo Nation is in three (3) VA Regions (AZ, NM & Ut), but there are no VA operated services on Navajo Nation, and /or any of other Native land in U.S.

#### PROBLEMATICAL NAVAJO VETERANS ADMINISTRATION

The problem of Navajo Veterans Administration (NVA) is misunderstanding the intended purpose of the veterans' program services is challenging.

1. The absence of Navajo Veterans Administration program strategic plans and no collaboration work relationship with federal and state veterans' program services for veterans' benefits and services.
2. Secrecy of Navajo Veterans Administration. In the past two (2) years there have been obscured changes made to veterans' benefit and services policies and management procedures. In fact, the VTF Financial Assistance policies and procedures were deleted without justification. The changes are made irrational, without justification (no documented legal opinions nor financial service recommendations) and absence of consultation with clienteles (Navajo Veterans, veteran's beneficiaries and communities). This show lack of understanding and disrespect the sensitivity of the Navajo culture (Naayéé' neizhóní) and tradition (Tóóáíshchíní) way of life of the Navajo people, and lack of an empathy for vulnerable veterans and veteran's beneficiaries' needs to maintain quality of life.

### SOLUTION

To be blunt the Navajo veterans Administration is in disarray conditions with excruciating management problems and there is no resolution insight. It reminded me of an instant I encounter in my early years.

On summer my brother and I came upon a man at the bottom of deep arroyo with a wagon loaded with three (3) 55-gallon barrels of water that was stuck. The man was whipping the team of mule to get them pull the wagon forward, but the mules refused to move, they just kicked and backing out.

Problem: Two mules (team) were physically tired from pulling heavy load over 5 miles distance in hot weather on rough road. The man failed to take care the mules – feed, water and rest.

Solution: My brother unhitched the mules, gave them water and let them eat some vegetation. He walked them around and rubbed their backs and talk to them.

Result: The mules respond, pull the wagon out of the arroyo and completed the journey.

Cause: The man was a hired hand who have no experiences in caring (managing) for the animals.

NVA is like tired mules, cannot pull the load anymore. Whipping the NVA program with new management policies, procedures, consolidating or redirecting resources, releasing personnel, etc. is not going to strengthen the old system. Potentially causes greater disharmony within the program operation and distant relation with clienteles.

1. To salvage the damage made to Navajo Veterans Administration, President and Council of the Navajo Nation to assume the leadership in the total Navajo Veterans Affairs to revitalize the program services to acceptable level of the Navajo veterans and surviving beneficiaries. Secondly, to implement comprehensive analysis of Navajo Nation Veterans' legislations, regulations, rules, policies and staffing. Lastly, develop a comprehensive strategic Plan (unbiased) for the Navajo Nation Veterans Program and services.
3. Program Review and Evaluation: NVA needs to undergo complete review and evaluation by independent study group, consisted of relevant professional and technical knowledgeable personnel and grassroot clienteles. Grassroot clientele's involvement is important to identify obstacles to service and needed services and developing new or add program services applicable to clientele needs and identify resources for program service improvement and development.

4. Strategic Planning is essential management tools for the programing and staff development, financial management and collaboration service delivery system. NVA is administered with multi-sorts of NN policies and procedures that impeded NVA staffing, financial management, programing veterans' service delivery system. The origin of NN Veterans Program Services is embedded within Navajo culture and traditional practices and subsequently integrated to US Veterans Administration.
5. Human Resource Development. Sad situation at the Navajo Veterans Offices that lacks qualified (certified VSO and Record Manager) staff to assistance veterans with their VA benefit claims and applicable services. It is important to have qualified staff (trained and certified)-Director, VSO, AMS, program manager and chapter veterans' organization members-to assist the veteran, surviving spouse and dependent with veteran's benefit claims. A single certified VSO per Agency is totally insufficient. VA claims are process through difficult path of VA system. Self-proclaimed know it all will do more harm to the claimants.

### **BIG QUESTION?**

Is Navajo Nation going take the major responsibilities for the care of Navajo Veterans which include financial (disability, home loan), health care, social services (nursing services, handicap equipment) and cemetery. The Navajo veterans are eligible for federal veterans' benefits and services under the U.S. Veterans Administration.

Enclosing, the whole Navajo Veterans Administration Program Service is in your hands. Do the right things to enhance the service to the Navajo veterans and surviving beneficiaries. Should you have question, you may contact me at , email: [pjgeorge@citlink.net](mailto:pjgeorge@citlink.net). Thank you, stay safe and healthy.

/s/

Paul J. George

Tse' Daa Kaan CVO

Shiprock, NM 87420



THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0023-22

SPONSOR: Honorable Eugenia Charles-Newton


**TITLE: An Act Relating to Health, Education and Human Services, Law and Order, and Naabik'íyáti' Committees and the Navajo Nation Council; Amending Certain Sections of the Navajo Nation Code to Transfer Legislative Oversight Over Veteran Services to the Naabik'íyáti' Committee**

Posted: January 27, 2022 at 7:15 PM

5 DAY Comment Period Ended: February 1, 2022

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	1.) Paul J. George



Legislative Tracking Secretary  
Office of Legislative Services

February 15, 2022; 10:00 AM

Date/Time

## COMMENTS

NNC Legislation No. 0023-22

Sponsor: Kee Allen Begay

TITLE OF RESOLUTION: AN ACT RELATING TO HEALTH EDUCATION AND HUMAN SERVICES, LAW AND ORDER, AND NAABIK'ITY ATI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. § 1033 TO ESTABLISH A PROGRAM MANAGER TO ADMINISTER THE VETERANS HOUSING PROGRAM

- A. Establish a Program Manager to administer the Veterans Housing Program is greatly questionable and mystery. It is difficult to assess the proposed Program Manager position without position description and the detail description of the Navajo Veterans Housing Program. The lack of detail budget and sort of fund for the position is mystery.

## CONCERNS

1. The Executive Director of Navajo Veterans Administration (NVA) have consolidated the veterans housing program funds for contracting prefabricated home (Hogan) construction. In that NVA Executive Director have no plan for restarting on-site home construction as original intended in pursuant of Health, Education and Human Service Resolution CJY-55-18.
2. There has been no veteran's house constructed in the past three (3) years and no plan to restart the construction veterans' home. In 2008, NNC appropriated 4%, NN Undesignated Fund, set aside VTF. In 2018, NNC, CJA-02-18 amended 4% set aside VTF which 2% of 4% set aside is designated for Veterans House Program and 2% direct appropriated into annual financial assistance. Amending 4% annual set-a-side had stopped the VTF principle growth. The Navajo Veterans Advisory Council recommended amending 4% Annual Set-A-Side to Navajo Nation Veterans Trust Fund without impact study and consultation with CVOs. Attachments-NNC res. CJA-2-02-18 (p.1-4) and VTF Income (p.1-2)
3. In 2019 Executive Director of Navajo Administration confiscated the completed Veterans' Housing Application files from Agency Veterans Offices and relocated the files at Central NVA. In early December 2021, Executive Director instructed the Agency Offices staff to update the Veterans' Housing Applications. Veteran Service Officer (VSO) from Northern Agency NVA Office disputed Executive Director's directive which the Central NVA have loss document(s) from the completed veteran's housing application. Executive Director intimidated VSO by either comply or be fire. VSO resigned on December 31, 2021. This is second VSO, Northern Agency, resigned under coerce action of the Executive Director within passed three (3) years. In 2021, the entire Northern Agency NVA staff (VSO, AMS, OMS) left their position due to dishearten treatment by Executive Director.
- 4.

## ANALYSIS

On September 24,2021 Veterans protested in Window Rock, Navajo Nation Council Chamber. The protest was against Executive Director, James Zwierlein, Navajo Veterans Administration (NVA), proposing to implement new financial assistance application for the Veterans Trust

Fund (VTF) without consultation with the beneficiaries (veterans, surviving spouses and Gold Star Mothers).

- As a veteran, I value the people's right to freely express concern of intolerable treatment that is detrimental to their livelihood. With that, NVA must be administer openly for the beneficiaries to participate in the changes in a timely manner.
- The Director, Mr. James Zwierlein, autocratically changing application for VFT programs and services have certainly instigated dissatisfaction amongst beneficiaries' long-standing procedures and processes. In 2019 Mr. Zwierlein had HEHS Committee removed VTF policy and procedures, thus, there is not legislatively approved VTF policy existed.
- The Executive Director, Mr. James Zweirlein, forcing to use unofficial fund management method, using veteran population counts (use of veteran's discharge document, Form DD 214) to disburse VTF interest earned funds and consolidating the chapters veterans organizations' VTF allocation in total sum in lieu of official 50/50 formula specified by NN Trust Funds policy.

## RECOMMENDATION

### **Table NNC Legislation 0023-22.**

#### I. Establish NVA Study Commission

It is an opportunity to create closer relations (respect, honesty, understanding and ke') to commission Navajo Veterans Administration Study Group. In lieu of in-house NVA studying, is to establish an independent study group to conduct comprehensive review and study of all the Navajo Veterans legislations, rules, regulations and policies against 38 US Code of Federal Regulations, Veterans Administration policies. The commissioners to conduct comprehensive analysis of the Navajo Veterans' program services, policy and procedures, and to develop lobby strategic for congressional action to amendment US Veterans Administration policies to strengthen the Navajo Veterans Administration.

#### II. Members NVA Study Commission (Not more than seven (7) members)

The Commission members to consist of an experienced Navajo professional (attorney (VA certified), relevant health professional, essential traditional Navajo-medicine man, etc.), technical personnel (accountant, statistician, policy analyst and management analyst, etc.) and grassroot veterans. At all mean prohibit NVA staff and tribal employees, Veterans Advisory Council and NN Council Delegate appointment to Commission.

#### III. NVA Study Commission Office

It is opportunity time to use ARPA funds to set up a separate NVA Study Commission Office with technical support staff (Planner, Statistician, Technical Writer, etc.), equipment and support services. The Navajo Veterans Administration Study to be complete within a year or less. Navajo Nation Council final approval all amendments to Navajo Veterans Administration policies, rules and regulations and intergovernmental relations with federal veteran's administration on Navajo Veterans' services.

Enclosing, the whole Navajo Veterans Administration Program Service is in your hands. Do the right things to enhance the service to the Navajo veterans and surviving beneficiaries. Should you have question, you may contact me at email: [pjgeorge@citlink.net](mailto:pjgeorge@citlink.net). Thank you, stay safe and healthy.

/s/

Paul J. George

Tse' Daa Kaan CVO

P.O.

Shiprock, NM 87420

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

23<sup>RD</sup> NAVAJO NATION COUNCIL -- Fourth Year, 2018

AN ACT

RELATING TO THE LAW AND ORDER, HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING AMENDMENTS TO 12 N.N.C. § 1176 OF THE NAVAJO NATION VETERANS TRUST FUND

BE IT ENACTED:

Section One. Authority

- A. The Law and Order Committee is a standing committee of the Navajo Nation Council and as such is empowered to review and make recommendations to the Navajo Nation Council on proposed amendments and enactments to the Navajo Nation Code. 2 N.N.C. § 600 (A) and § 601(B)(14).
- B. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council and as such serves as the oversight authority for veterans services. 2 N.N.C. § 400 (A) and § 400(B)(6)(a).
- C. The Budget and Finance Committee is a standing committee of the Navajo Nation Council and exercises oversight authority over budget and finance for the purposes of recommending to the Navajo Nation Council the adoption of resolutions designed to strengthen the fiscal and financial position of the Navajo Nation and to promote the efficient use of the fiscal and financial resources of the Navajo Nation. 2 N.N.C. §§ 300 (A) and 300 (C)(3).
- D. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council. A proposed resolution that requires final action by the Navajo Nation Council shall be assigned to the standing committee having authority over the subject matter at issue and the Naabik'íyáti' Committee. 2 N.N.C. §§ 164(A)(9) and 700(A).
- E. The Navajo Nation Council must review and approve enactments or amendments of positive law. 2 N.N.C. §§ 164(A).
- F. Amendments to 12 N.N.C. § 1176 may be made upon recommendation of the Health, Education and Human Services Committee and the Budget and Finance Committee by a

majority vote of the full membership of the Navajo Nation Council. 12 N.N.C. § 1178.

## Section Two. Findings

- A. The needs of Navajo veterans have increased since the Navajo Nation Veterans Trust Fund was created through Navajo Nation Council Resolution CJY-46-98.
- B. Resolutions in support of this amendment have been approved by the five Navajo Agency Veterans Organizations. These supporting resolutions are attached as **Exhibits A through E**.
- C. Supporting resolutions have also been approved by Casamero Lake Chapter, Tsayatoh Chapter, and Coyote Canyon Chapter Veterans Organization. These supporting resolutions are attached as **Exhibits F through H**.

## Section Three. Amendments to Title 12

The Navajo Nation amends the Navajo Nation Code 12 N.N.C. § 1176, as follows:

NAVAJO NATION CODE ANNOTATED  
 TITLE 12. FISCAL MATTERS  
 CHAPTER 10. NAVAJO NATION TRUST FUNDS  
 SUBCHAPTER 8. NAVAJO NATION VETERANS TRUST FUND

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### § 1176. Expenditure of Trust Fund

The Fund income shall not be expended, except as in § 1177, from Fiscal Year 1998 to Fiscal Year 2003. From Fiscal Year 2004, the Fund income shall be expended as follows:

- A. ~~Four 75 percent (4 75%) of the average market value total income earned, plus the current projected set aside of the Fund covering the past three fiscal years~~ will be used as supplemental funding for programs and services to benefit veterans, as noted under § 1172 on an annual basis, excluding two percent (2%), which shall be for the exclusive use of the Veterans Housing Program in accordance with 2 N.N.C. § 1171 (A) and Navajo Nation Council Resolution CS-56-17. ~~The market value of the Fund's income earned at the end of the previous audited fiscal year plus the current fiscal year projected set aside 12 quarters~~ will be used to determine the average market value of the Fund for allowable expenditure (i.e. budget purposes). The excess of the Fund income over expenditures shall be

reinvested in the Fund to cover the rate of inflation and to provide for reasonable Fund growth.

- B. Tribal grants to non-tribal government programs and projects shall be awarded in accordance with rules and regulations developed by the Department of Navajo Veterans Affairs, in consultation with the Health, Education and Human Services Committee of the Navajo Nation Council and, if required, the Navajo Nation Council.
- C. Of the ~~four~~ 75 percent (4 75%) of the Fund (~~Market Value~~), total amount as set forth in paragraph A, ninety-five percent (95%) of the proceeds will be used for subsections (A) and (B) of this Section and five percent (5%) will be used for administrative purposes, and this be reviewed further by the Office of Management and Budget and the Program.

Except as provided at § 1177, all Trust Fund income distribution shall be determined pursuant to all eligible Navajo veterans and distributed among those applicable Navajo Nation chapters to be expended in accordance with § 1172 of this Plan.

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#### **Section Four. Codification**

The provisions of the Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

#### **Section Five. Saving Clause**

Should any provision of this Act be determined invalid by the Navajo Nation Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, the remainder of the Act shall remain the law of the Navajo Nation.

#### **Section Six. Effective Date**

The provisions of this Act shall become effective in accordance with 2 N.N.C. § 221(B).

## CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 21 in favor and 00 opposed, on this 23<sup>rd</sup> day of January 2018.



Jonathan L. Hale, Speaker Pro Tem  
23<sup>rd</sup> Navajo Nation Council

1/31/18

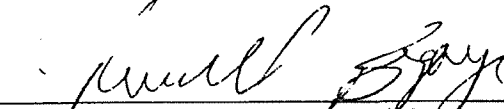
Date

Motion: Honorable Steven Begay  
Second: Honorable Davis Filfred

Speaker Pro Tem Hale not voting

## ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (c)(10), on this 5<sup>th</sup> day of February 2018.

  
\_\_\_\_\_  
Russell Begaye, President  
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (c)(11), on this \_\_\_\_\_ day of \_\_\_\_\_ 2018 for reason(s) \_\_\_\_\_ expressed in the attached letter to the Speaker

\_\_\_\_\_  
Russell Begaye, President  
Navajo Nation

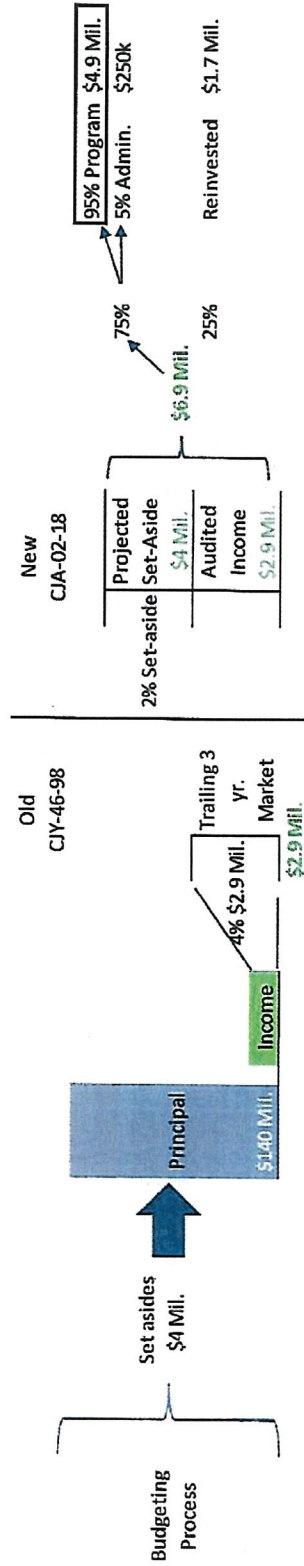


# Veterans Trust Fund

## Interest Income Explanation

### October 4, 2018

The purpose of this pamphlet is to clear up any confusion on the history of the Veteran's Trust. Initially the Veteran's Administration wanted to increase "interest income from 4% to 10%". The diagram below provides a high-level view on the differences between the old legislation and new legislation.



#### History

- Withdraw ① 4% to 10%; "6% Increase"
- Withdraw ② Income to include Unrealized/Realized gains/losses.
- Current ③ Income Includes set-asides \$4.9 Mil. FY 2019
- Current ④ \$1.09 mil. from Trust Legal Challenge FY 2018
- Current ⑤ \$1.2 mil. From UUFB

#### Old

#### CJY-46-98

Legislation states the expenditure calculation will be derived from 4% of the trailing 12 quarter Market Value average of the Veteran's Trust Fund (VTF). However, the issue with that calculation is the VTF isn't generating enough income to meet the 4% calculation.

#### New

#### CJA-02-18

Legislation amends sub-section 1176 (A) Expenditure of Trust Fund to "75 Percent of the total income earned, plus the current projected set aside of the Fund will be as supplemental funding for programs and services..." This approved amendment increases the amount of aid given to Veteran's by adding most of the projected set-aside into the equation.

In Conclusion, the new legislation allows for more program expenditure by including the use of set-asides into the budget calculation. If there was no new legislation the Veteran's program would only receive the \$2.9 million for FY 2019.

<u>Committee Date</u>	<u>Presidential Signature</u>	<u>Withdrawal date</u>	<u>Resolution</u>	<u>Description</u>
10/27/2017	Vetoed 11/6/2017		CO-63-17	Resolution attempts to amend N.N.C. 12 Sub-section 1175 (B) by adding the 4% set-asides into the Interest Income definition in order to increase additional funding to the Veterans Program. Resolution was passed by Council on October 13, 2017 however President vetoes this legislation on November 6, 2017. The President's justification states new language is unclear and can be interpreted to defund the Housing Program for Veteran's; and by doing so will halt the growth of the Veteran's Trust Fund; in order to access "Principal" there needs to be a 2/3 vote from all registered voters.
12/28/2017			CD-74-17	Overrides President's Veto to CO-63-17
1/31/2018	2/5/2018		CJA-02-18	Resolution passes 75% of: 1.) previous years audited financial statements interest income plus; 2.) 2% of current set asides projections for program expenditure. Initial recommendation was to increase 4% interest income to 10% of the average trailing 3 year MV, however this recommendation was forfeited due to actual interest being significantly less than the proposed 10%; currently the Trust only receives approximately \$4 million in interest per year (Approx. 2.9% of the VTF MV); 10% means we dip into principal.
		4/26/2018	0135-18	Primary Sponsor Otto Tso Withdraws legislation; Resolution attempts to provide %1.5 million in supplemental funding from the UUFB.
5/21/2018			CMY-50-18	Resolution becomes law without President's signature. 10 day waiting period lapsed. Pertains to \$1,094,784 income disbursement
		6/12/2018	0134-18	Primary Sponsor Seth Damon withdraws legislation; resolution attempts to distribute income in the amount of \$1,094,784 to the five Veteran Agencies.
7/31/2018	8/4/2018		CJY-60-18	Resolution passes Emergency Appropriation of \$1.2 million from the UUFB to the Veterans Program; initially sponsor Otto Tso recommended \$1.5 million but withdrew his sponsorship (0135-18). OOC recommends to be prudent and conservative, amount was decreased to \$1.2 million.