LEGISLATIVE SUMMARY SHEET
Tracking No. 0016-22

DATE: January 10, 2022

TITLE OF RESOLUTION: A PROPOSED NAVAJO NATION COUNCIL AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; EXTENDING THE TIME FOR A LIMITED WAIVER OF SOVEREIGN IMMUNITY TO ALLOW THE NAVAJO NATION TO BE SUED IN FEDERAL DISTRICT COURT REGARDING COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL PROTECTION ACT IN CARRYING OUT THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANTS AND AUTHORIZING THE PRESIDENT OF THE NAVAJO NATION TO BE THE CERTIFYING TRIBAL OFFICIAL TO EXECUTE FORM 7015.15 THROUGH SEPTEMBER 30, 2025

PURPOSE: This resolution, if approved, will approve the extension of a limited waiver of sovereign immunity to allow the Navajo Nation to be sued in Federal District Court regarding compliance with NEPA in carrying out HUD grants and also approve the Navajo Nation President to sign Form 7015.15 through September 30, 2025.

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: J. Johnson
Website Posting Time/Date: 6:22pm; 01-21-22
Posting End Date: 01-26-22
Eligible for Action: 01-27-22

Resources & Development Committee
Thence
Naabik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL -- Fourth Year, 2022

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0016-22

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; EXTENDING THE TIME FOR A LIMITED WAIVER OF SOVEREIGN IMMUNITY TO ALLOW THE NAVAJO NATION TO BE SUED IN FEDERAL DISTRICT COURT REGARDING COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL PROTECTION ACT IN CARRYING OUT THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANTS AND AUTHORIZING THE PRESIDENT OF THE NAVAJO NATION TO BE THE CERTIFYING TRIBAL OFFICIAL TO EXECUTE FORM 7015.15 THROUGH SEPTEMBER 30, 2025

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Resources and Development Committee ("RDC") is established as a standing committee of the Navajo Nation Council with oversight over housing for the purposes of establishing policies and legislation appropriate to the housing needs of the Navajo Nation. 2 N.N.C. §§ 500 (A) and 500 (C)(3).

B. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and is empowered to coordinate all federal programs with the Navajo

Nation government to provide efficient services to Navajo members. 2 N.N.C. §§ 700 (A), 701 (A)(4), 701 (A)(6), and 701 (A)(4).

C. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo Nation standing committee and as such proposed legislation that require final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. 2 N.N.C. §§ 164 (A)(9), 700 (A).

D. Enactments of positive law must be reviewed and approved by resolution by the Navajo Nation Council. 2 N.N.C. § 164(A).

SECTION TWO. FINDINGS

A. Resolution CJA-13-00, approved a limited waiver of sovereign immunity allowing the Navajo Nation to be sued in Federal District Court regarding compliance with the National Environmental Protection Act (NEPA) in carrying out the United States Housing and Urban Development (HUD) grants and further authorized the Navajo Nation President to sign Form 7015.15 for HUD funded projects through Fiscal Year 2004. The Board of Commissioners of the Navajo Housing Authority through Resolution NHA-4970-2020, attached as **Exhibit A**, requests approval of extension of the limited waiver of sovereign immunity.

B. There have been four similar resolutions granting approval of the limited sovereign immunity and authorizing the President of the Navajo Nation to sign Form 7015.15. *See* CAP-21-05; CAP-15-10; CJA-03-14 and CO-57-17.

C. The HUD Environmental Review requirements require an authorized tribal official to execute HUD Form 7015.15 "Request for Funds and Certification," consenting to suit in Federal District Court regarding compliance with the NEPA, in carrying out the grants.

D. It is within the best interest of the Navajo Housing Authority to authorize the extension of a limited waiver of sovereign immunity to allow the Navajo Nation to be sued in Federal District Court regarding compliance with NEPA in carrying out HUD grants and authorizing the Navajo Nation President to sign Form 7015.15 through September 30, 2025.

SECTION THREE. AUTHORIZING THE EXTENSION OF A LIMITED WAIVER OF SOVEREIGN IMMUNITY AND THE PRESIDENT TO SIGN FORM 7015.15 THROUGH SEPTEMBER 30, 2025

The Navajo Nation hereby authorizes the extension of a limited waiver of sovereign immunity to allow the Navajo Nation to be sued in Federal District Court regarding compliance with NEPA in carrying out HUD grants and also authorizes the Navajo Nation President to sign Form 7015.15 through September 30, 2025.

EXHIBIT A

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NHA Hooghan—Center of Family Growth, Strength and Beauty
NAVAJO HOUSING AUTHORITY

RESOLUTION NHA-4970-2020

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE NAVAJO HOUSING AUTHORITY

Recommending to the Navajo Nation Council to Amend Resolution CO-57-17 by Authorizing an Extension of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court Regarding Compliance with the National Environmental Protection Act (NEPA) in Carrying Out HUD Grants and Authorizing the President of the Navajo Nation to Sign Form 7015.15 Through September 30, 2025

WHEREAS:

1. Pursuant to 6 N.N.C. Sections 605 and 616 (b)(3), the Board of Commissioners of the Navajo Housing Authority (NHA) is empowered with the authority to manage the affairs of the NHA with the power to do any and all things necessary to secure the financial aid of the Federal Government in the undertaking, construction, maintenance or operations of the NHA; and

2. Pursuant to duly enacted resolution of the Navajo Nation Council the NHA was created as a public body of the Navajo Nation and its plan of operation was codified at Title 6 Navajo Nation Code Section 601 et seq.; and

3. The Navajo Nation Council enacted resolution CO-57-17 on October 5, 2017, entitled "*Relating to Resources and Development, NAABIK'ÍYÁTI' Committees and Navajo Nation Council; Amending Resolution CJA-03-14 Extending The Time For A Limited Waiver of Sovereign Immunity To Allow The Navajo Nation To Be Sued In Federal District Court For Compliance With The National Environmental Protection Act To Carry Out The United States Department Of Housing and Urban Development Grants and Authorizing The President Of The Navajo Nation To Be The Certifying Tribal Official To Execute Form 7015.15 Through September 30, 2025*", hereto attached as **Exhibit "A"**; and

4. The NHA Board of Commissioners on June 10, 2017 adopted Resolution NHA-4733-2017 entitled "*Recommending to the Navajo Nation Council to Amend Resolution CJA-03-14 by Authorizing an Extension of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court Regarding Compliance with the National Environmental Protection Act (NEPA) in Carrying Out HUD Grants and Authorizing the President of the Navajo Nation to Sign Form 7015.15 Through September 30, 2021*" **hereto attached as Exhibit "B"**; and

5. Pursuant to 24 CFR Part 58, the United States Department of Housing and Urban Development (HUD) Environmental Review requirements require an authorized tribal official to execute HUD Form 7015.15 "Request for Release of Funds and Certification" which consents to suit in Federal District Courts regarding compliance with the National Environmental Protection Act in Carrying out HUD grants, and

6. Pursuant to the Navajo Nation Sovereign Immunity Act, 1 N.N.C. 554, neither the President, nor any other Navajo official, has the authority to execute Form 7015.15 which consents to suit against the Navajo Nation in the Federal Courts; and

7. Pursuant to CJA-13-00, the Navajo Nation Council approved a limited waiver of sovereign immunity allowing the Navajo Nation to be sued in Federal District Court regarding compliance with the NEPA in carrying out HUD grants and authorized the President of the Navajo Nation to sign Form 7015.15 for HUD funded projects through Fiscal Year 2004; and

8. Pursuant to CAP-21-05 the Navajo Nation Council approved an amendment to Resolution CJA-13-00 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through Fiscal Year 2008, and Approving an Effective Date Retroactive to October 1, 2004; and

9. Pursuant to CAP-15-10 the Navajo Nation Council approved an amendment to Resolution CAP-21-05 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through Fiscal Year 2013; and Approving an Effective Date Retroactive to October 1, 2008, and

10. Pursuant to CJA-03-14 the Navajo Nation Council approved an amendment to Resolution CAP-15-10 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through September 2017; and

11. Pursuant to CO-57-17 the Navajo Nation Council approved an amendment to Resolution CJA-03-14 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through September 30, 2021; and

12. In order to receive draw-downs on relevant federal funds for project implementation, a certifying tribal official must execute Form 7015.15; and

13. The Navajo Nation must approve the use of Form 7015.15 which contains a provision authorizing the Navajo Nation to be sued in Federal Court and approve a limited waiver of the Navajo Sovereign Immunity Act at 1 N.N.C. Section 554; and

14. Pursuant to 2 N.N.C. Section 343 (B)(1), the Navajo Nation Council has the authority to recommend a limited waiver of the Navajo Sovereign Immunity Act; and

15. It is in the best interest of the Navajo Housing Authority to approve this resolution.

NOW, THEREFORE, BE IT RESOLVED THAT:

A. The Board of Commissioners of the Navajo Housing Authority hereby request the Navajo Nation Council to recommend approval for a limited waiver to the Navajo Nation Sovereign Immunity Act, 1 N.N.C. Section 554 allowing the Navajo Nation to be sued in Federal District Court for compliance with the NEPA in order to carry out HUD grants, and authorize the President of the Navajo Nation to be the certifying tribal official to execute Form 7015.15 through September 30, 2025.

B. The Board of Commissioners of the Navajo Housing Authority hereby authorizes the Chief Executive Officer of the Navajo Housing Authority to do things necessary to carry out the purposes of this resolution.

CERTIFICATION

Commissioner Frankie Lee, moved that the foregoing Resolution **NHA-4970-2020** be adopted and this was seconded by Commissioner Kerrie Begaye.

Same was passed by the following vote:

AYES: 3 NAYS: 0 ABSTAINED: 0

The Secretary, thereupon, declared said motion carried and said Resolution **NHA-4970-2020** was adopted this **31st** day of **July**, 2020.

Derrith Watchman-Moore, Chairperson
NHA BOARD OF COMMISSIONERS

ATTEST:

Kerrie Begaye, Secretary
NHA BOARD OF COMMISSIONERS

RESPECTIVE CHIEF:
LEGAL REVIEW: Robert Silva / Jay
CHIEF EXECUTIVE OFFICER:

CO-57-17

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23RD NAVAJO NATION COUNCIL - THIRD YEAR, 2017

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING RESOLUTION CJA-03-14 EXTENDING THE TIME FOR A LIMITED WAIVER OF SOVEREIGN IMMUNITY TO ALLOW THE NAVAJO NATION TO BE SUED IN FEDERAL DISTRICT COURT FOR COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL PROTECTION ACT TO CARRY OUT THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANTS AND AUTHORIZING THE PRESIDENT OF THE NAVAJO NATION TO BE THE CERTIFYING TRIBAL OFFICIAL TO EXECUTE FORM 7015.15 THROUGH SEPTEMBER 30, 2021

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Resources and Development Committee (RDC) is established as a standing committee of the Navajo Nation Council with oversight over housing for the purposes of establishing policies and legislation appropriate to the housing needs of the Navajo Nation. 2 N.N.C. §§ 500(A) and 500(C)(3) (2012); *See also* CJA-03-13.

B. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and is empowered to coordinate all federal programs, (i.e. U.S. Department of Housing and Urban Development (HUD)), with the Navajo Nation government to provide efficient services to Navajo members. 2 N.N.C. §§ 700(A), 701(A)(4), 701(A)(6), and 701(A)(4) (2012).

C. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo Nation standing committee and as such proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. 2 N.N.C. §§ 164(A)(9), 700(A) (2012); *See also* CO-45-12.

D. Enactments of positive law must be reviewed and approved by resolution by the Navajo Nation Council. 2 N.N.C. § 164(A); *See also* CO-45-12.

EXHIBIT A-1

SECTION TWO. FINDINGS

A. Resolution [illegible]A-1[illegible]-[illegible], approved a limited waiver of sovereign immunity allowing the Navajo Nation to be sued in Federal District Court regarding compliance with the National Environmental Protection Act (NEPA) in carrying out the United States Housing and Urban Development (HUD) grants and further authorized the Navajo Nation President to sign Form 7015.15 for HUD funded projects through Fiscal Year 2004. Resolution of the Board of Commissioners of the Navajo Housing Authority is attached as **Exhibit A.**

B. There have been three similar resolutions granting approval of the limited sovereign immunity and authorizing the President of the Navajo Nation to sign Form 7015.15. *See* CAP-21-05; CAP-15-10; and CJA-03-14.

C. The HUD Environmental Review requirements require an authorized tribal official to execute HUD Form 7015.15 "Request for Funds and Certification," consenting to suit in Federal District Court regarding compliance with the NEPA, in carrying out the grants. Form 7015.15 is attached as **Exhibit B.**

D. It is within the best interest of the Navajo Housing Authority to authorize the extension of a limited waiver of sovereign immunity to allow the Navajo Nation to be sued in Federal District Court regarding compliance with NEPA in carrying out HUD grants and authorizing the Navajo Nation President to sign Form 7015.15 through September 30, 2021.

SECTION THREE. APPROVING AND AUTHORIZING

The Navajo Nation hereby approves and authorizes the extension of a limited waiver of sovereign immunity to allow the Navajo Nation to be sued in Federal District Court regarding compliance with NEPA in carrying out HUD grants and also authorizes the Navajo Nation President to sign Form 7015.15 through September 30, 2021.

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 17 in Favor and 01 Opposed, this 5TH day of October, 2017.

LoRenzo C. Bates, Speaker
Navajo Nation Council

10-12-17
Date

Motion: Honorable Benjamin L. Bennett
Second: Honorable Edmund Yazzie

Speaker Bates not voting

EXHIBIT A-3

EXHIBIT

RESOLUTION NHA-4733-2017

RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE NAVAJO HOUSING AUTHORITY

Recommending to the Navajo Nation Council to amend Resolution CJA-03-14 by Authorizing an Extension of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court Regarding Compliance with the National Environmental Policy Act (NEPA) in Carrying Out HUD Grants and Authorizing the President of the Navajo Nation to Sign Form 7015.15 Through September 30, 2021

WHEREAS:

1. Pursuant to 6 N.N.C. Sections 605 and 616 (b)(3), the Board of Commissioners of the Navajo Housing Authority (NHA) is empowered with the authority to manage the affairs of the NHA with the power to do any and all things necessary to secure the financial aid of the Federal Government in the undertaking, construction, maintenance or operations of the NHA; and

2. Pursuant to duly enacted resolution of the Navajo Nation Council the NHA was created as a public body of the Navajo Nation and its plan of operation was codified at Title 6 Navajo Nation Code Section 601 et seq.; and

3. The Navajo Nation Council enacted resolution CJA-03-14on January 30, 2014, entitled *"Relating to Resources and Development Committees: Amending Resolution CAP-15-10 to Extend the Period of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court for Compliance with National Environmental Policy Act in order to Carry Out HUD Grants and Authorizing the President of the Navajo Nation to be the Certifying Tribal Official to Execute Form 7015.15 through September 30, 2017"*, hereto attached as **Exhibit "A"**; and

4. The NHA Board of Commissioners on December 8, 2012 adopted Resolution NHA-4297-2012 entitled *"Recommending to the Navajo Nation Council to Amend Resolution CAP-15-10 by Authorizing an Extension of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court Regarding Compliance with the National Environmental Policy Act (NEPA) in Carrying Out HUD Grants and Authorizing the President of the Navajo Nation to Sign Form 7015.15 Through Fiscal Year 2017"* hereto attached as **Exhibit "B"**; and

EXHIBIT A-4

5. Pursuant to 24 CFR Part 58, the United States Department of Housing and Urban Development (HUD) Environmental Review requirements require an authorized tribal official to execute HUD Form 7015.15 "Request for Release of Funds and Certification" which consents to suit in Federal District Courts regarding compliance with the National Environmental Policy Act in Carrying out HUD grants, and

6. Pursuant to the Navajo Nation Sovereign Immunity Act, 1 N.N.C. 554, neither the President, nor any other Navajo official, has the authority to execute Form 7015.15 which consents to suit against the Navajo Nation in the Federal Courts without a Council resolution; and

7. Pursuant to CJA-13-00, the Navajo Nation Council approved a limited waiver of sovereign immunity allowing the Navajo Nation to be sued in Federal District Court regarding compliance with the NEPA in carrying out HUD grants and authorized the President of the Navajo Nation to sign Form 7015.15 for HUD funded projects through Fiscal Year 2004; and

8. Pursuant to CAP-21-05 the Navajo Nation Council approved an amendment to Resolution CJA-13-00 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through Fiscal Year 2008; and

9. Pursuant to CAP-15-10 the Navajo Nation Council approved an amendment to Resolution CAP-21-05 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through Fiscal Year 2013; and

10. Pursuant to CJA-03-14 the Navajo Nation Council approved an amendment to Resolution CAP-15-10 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through September 2017; and

11. In order to receive draw-downs on relevant federal funds for project implementation, a certifying tribal official must execute Form 7015.15; and

12. The Navajo Nation must approve the use of Form 7015.15 which contains a provision authorizing the Navajo Nation to be sued in Federal Court and approve a limited waiver of the Navajo Sovereign Immunity Act at 1 N.N.C. Section 554; and

13. Pursuant to 2 N.N.C. Section 343 (B)(1), the Navajo Nation Council has the authority to recommend a limited waiver of the Navajo Sovereign Immunity Act; and

14. It is in the best interest of the Navajo Housing Authority to approve this resolution.

NOW, THEREFORE, BE IT RESOLVED THAT:

A. The Board of Commissioners of the Navajo Housing Authority hereby request the Navajo Nation Council to recommend approval for a limited waiver to the Navajo Nation

Sovereign Immunity Act, 1 N.N.C. Section 554 allowing the Navajo Nation to be sued in Federal District Court for compliance with the NEPA in order to carry out HUD grants, and authorize the President of the Navajo Nation to be the certifying tribal official to execute Form 7015.15 through September 30, 2021.

B. The Board of Commissioners of the Navajo Housing Authority hereby authorizes the Chief Executive Officer of the Navajo Housing Authority to do things necessary to carry out the purposes of this resolution.

CERTIFICATION

Commissioner Derrith Watchman-Moore, moved that the foregoing Resolution **NHA-4733-2017** be adopted and this was seconded by Commissioner Sean McCabe

Same was passed by the following vote:

AYES 3 NAYS: 0 ABSTAINED: 0

The Secretary, thereupon, declared said motion carried and said Resolution **NHA-4733-2017** was adopted this **10th** day of **June, 2017**.

Kris Beecher, Chairperson
NHA BOARD OF COMMISSIONERS

ATTEST:

Sean McCabe, Secretary/Treasurer
NHA BOARD OF COMMISSIONERS

RESPECTIVE CHIEF:
LEGAL REVIEW:
CHIEF EXECUTIVE OFFICER:

EXHIBIT A-6

EXHIBIT B

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did [ ] did not [✓] require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity	Title of Certifying Officer President of the Navajo Nation Date signed
X	

Address of Certifying Officer

Navajo Nation, P.O. 9000 Window Rock, Arizona 86515

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient	Title of Authorized Officer Chief Executive Officer Navajo Housing Authority Date signed
X	

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Previous editions are obsolete

form HUD-7015.15 (1/99)

EXHIBIT "B"

Request for Release of Funds and Certification

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB No. 2506-0087
(exp. 07/31/2017)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) Indian Housing Block Grant	2. HUD/State Identification Number 55IH0402810	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity Navajo Nation P.O. Box 9000 Window Rock, Arizona 86515	
6. For information about this request, contact (name & phone number) CEO, NHA (928)871-2600		
8. HUD or State Agency and office unit to receive request HUD Northern Plains Office of Native American Programs 1670 Broadway, 22nd Fl. Denver, Colorado 80202-4801	7. Name and address of recipient (if different than responsible entity) Navajo Housing Authority P.O. Box 4980 Window Rock, Arizona 86515	

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)

11. Program Activity/Project Description

EXHIBIT "B"

EXHIBIT A-8

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did [ ] did not [✓] require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity	Title of Certifying Officer President of the Navajo Nation
X	Date signed

Address of Certifying Officer

Navajo Nation, P.O. 9000 Window Rock, Arizona 86515

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient	Title of Authorized Officer Chief Executive Officer Navajo Housing Authority
X	Date signed

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

23rd Navajo Nation Council
Special Session
Thursday, October 5, 2017

#6

Legislation 0229-17 (Main Motion)

Motion: Benjamin Bennett

Second: Edmund Yazzie

ALL DELEGATES:

	Yea	Nay
BATES, LoRenzo C.		
BEGAY, Kee Allen Jr.		
BEGAY, Norman M.		
BEGAY, Steven		
BEGAYE, Nelson		
BENNETT, Benjamin L.		
BROWN, Nathaniel		
CHEE, Tom T.		
CROTTY, Amber K.		
DAMON, Seth		
DANIELS, Herman		
FILFRED, Davis		
HALE, Jonathan L.		
JACK, Lee Sr.		
PERRY, Jonathan		
PETE, Leonard H.		
PHELPS, Walter		
SHEPHERD, Alton Joe		
SLIM, Tuchoney Jr.		
SMITH, Raymond Jr		
TSO, Otto		
TSOSIE, Leonard		✓
WITHERSPOON, Dwight		
YAZZIE, Edmund		

GRAND TOTAL

CERTIFICATION:

Honorable LoRenzo C. Bates
Speaker

EXHIBIT A-10

RESOLUTION NHA-4733-2017

**RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE NAVAJO HOUSING AUTHORITY**

Recommending to the Navajo Nation Council to amend Resolution CJA-03-14 by Authorizing an Extension of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court Regarding Compliance with the National Environmental Policy Act (NEPA) in Carrying Out HUD Grants and Authorizing the President of the Navajo Nation to Sign Form 7015.15 Through September 30, 2021

WHEREAS:

1. Pursuant to 6 N.N.C. Sections 605 and 616 (b)(3), the Board of Commissioners of the Navajo Housing Authority (NHA) is empowered with the authority to manage the affairs of the NHA with the power to do any and all things necessary to secure the financial aid of the Federal Government in the undertaking, construction, maintenance or operations of the NHA; and

2. Pursuant to duly enacted resolution of the Navajo Nation Council the NHA was created as a public body of the Navajo Nation and its plan of operation was codified at Title 6 Navajo Nation Code Section 601 et seq.; and

3. The Navajo Nation Council enacted resolution CJA-03-14on January 30, 2014, entitled "*Relating to Resources and Development, NAABIK'ÍYÁTI' Committees: Amending Resolution CAP-15-10 to Extend the Period of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court for Compliance with National Environmental Policy Act in order to Carry Out HUD Grants and Authorizing the President of the Navajo Nation to be the Certifying Tribal Official to Execute Form 7015.15 through September 30, 2017*", hereto attached as **Exhibit "A"**; and

4. The NHA Board of Commissioners on December 8, 2012 adopted Resolution NHA-4297-2012 entitled "*Recommending to the Navajo Nation Council to Amend Resolution CAP-15-10 by Authorizing an Extension of a Limited Waiver of Sovereign Immunity Allowing the Navajo Nation to be Sued in Federal District Court Regarding Compliance with the National Environmental Policy Act (NEPA) in Carrying Out HUD Grants and Authorizing the President of the Navajo Nation to Sign Form 7015.15 Through Fiscal Year 2017*" hereto attached as **Exhibit "B"**; and

EXHIBIT B-1

5. Pursuant to 24 CFR Part 58, the United States Department of Housing and Urban Development (HUD) Environmental Review requirements require an authorized tribal official to execute HUD Form 7015.15 "Request for Release of Funds and Certification" which consents to suit in Federal District Courts regarding compliance with the National Environmental Policy Act in Carrying out HUD grants, and

6. Pursuant to the Navajo Nation Sovereign Immunity Act, 1 N.N.C. 554, neither the President, nor any other Navajo official, has the authority to execute Form 7015.15 which consents to suit against the Navajo Nation in the Federal Courts without a Council resolution; and

7. Pursuant to CJA-13-00, the Navajo Nation Council approved a limited waiver of sovereign immunity allowing the Navajo Nation to be sued in Federal District Court regarding compliance with the NEPA in carrying out HUD grants and authorized the President of the Navajo Nation to sign Form 7015.15 for HUD funded projects through Fiscal Year 2004; and

8. Pursuant to CAP-21-05 the Navajo Nation Council approved an amendment to Resolution CJA-13-00 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through Fiscal Year 2008; and

9. Pursuant to CAP-15-10 the Navajo Nation Council approved an amendment to Resolution CAP-21-05 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through Fiscal Year 2013; and

10. Pursuant to CJA-03-14 the Navajo Nation Council approved an amendment to Resolution CAP-15-10 and thereby extended the limited waiver of sovereign immunity authorizing the President to sign Form 7015.15 through September 2017; and

11. In order to receive draw-downs on relevant federal funds for project implementation, a certifying tribal official must execute Form 7015.15; and

12. The Navajo Nation must approve the use of Form 7015.15 which contains a provision authorizing the Navajo Nation to be sued in Federal Court and approve a limited waiver of the Navajo Sovereign Immunity Act at 1 N.N.C. Section 554; and

13. Pursuant to 2 N.N.C. Section 343 (B)(1), the Navajo Nation Council has the authority to recommend a limited waiver of the Navajo Sovereign Immunity Act; and

14. It is in the best interest of the Navajo Housing Authority to approve this resolution.

NOW, THEREFORE, BE IT RESOLVED THAT:

A. The Board of Commissioners of the Navajo Housing Authority hereby request the Navajo Nation Council to recommend approval for a limited waiver to the Navajo Nation

Sovereign Immunity Act, 1 N.N.C. Section 554 allowing the Navajo Nation to be sued in Federal District Court for compliance with the NEPA in order to carry out HUD grants, and authorize the President of the Navajo Nation to be the certifying tribal official to execute Form 7015.15 through September 30, 2021.

B. The Board of Commissioners of the Navajo Housing Authority hereby authorizes the Chief Executive Officer of the Navajo Housing Authority to do things necessary to carry out the purposes of this resolution.

CERTIFICATION

Commissioner Derrith Watchman-Moore, moved that the foregoing Resolution NHA-4733-2017 be adopted and this was seconded by Commissioner Sean McCabe.

Same was passed by the following vote:

AYES : 3 NAYS: 0 ABSTAINED: 0

The Secretary, thereupon, declared said motion carried and said Resolution NHA-4733-2017 was adopted this 10th day of June, 2017.

Kris Beecher, Chairperson
NHA BOARD OF COMMISSIONERS

ATTEST:

Sean McCabe, Secretary/Treasurer
NHA BOARD OF COMMISSIONERS

RESPECTIVE CHIEF:
LEGAL REVIEW:
CHIEF EXECUTIVE OFFICER:

EXHIBIT B-3

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576

Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Mark Freeland
Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock, Huerfano, Nageezi, Crownpoint Chapters

FROM: Mariana Kahn
Mariana Kahn, Attorney
Office of Legislative Counsel

DATE: January 13, 2022

SUBJECT: A PROPOSED NAVAJO NATION COUNCIL AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; EXTENDING THE TIME FOR A LIMITED WAIVER OF SOVEREIGN IMMUNITY TO ALLOW THE NAVAJO NATION TO BE SUED IN FEDERAL DISTRICT COURT REGARDING COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL PROTECTION ACT IN CARRYING OUT THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANTS AND AUTHORIZING THE PRESIDENT OF THE NAVAJO NATION TO BE THE CERTIFYING TRIBAL OFFICIAL TO EXECUTE FORM 7015.15 THROUGH SEPTEMBER 30, 2025

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting.

Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient as to formatting. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0016-22__ **SPONSOR: Mark A. Freeland**

TITLE: An Action Relating to Resources and Development and Naabik'íyáti' Committees and Navajo Nation Council; Extending the Time for a Limited Waiver of Sovereign Immunity to Allow the Navajo Nation to be Sued in Federal District Court Regarding Compliance with the National Environmental Protection Act in Carrying Out the United States Department of Housing and Urban Development Grants and Authorizing the President of the Navajo Nation to be the Certifying Tribal Official to Execute Form 7015.15 through September 30, 2025

***Date posted*: January 21, 2022 at 6:22PM**

Digital comments may be e-mailed to 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.: 0016-22

SPONSOR: Honorable Mark A. Freeland

TITLE: An Action Relating to Resources and Development and Naabik'íyáti' Committees and Navajo Nation Council; Extending the Time for a Limited Waiver of Sovereign Immunity to Allow the Navajo Nation to be Sued in Federal District Court Regarding Compliance with the National Environmental Protection Act in Carrying Out the United States Department of Housing and Urban Development Grants and Authorizing the President of the Navajo Nation to be the Certifying Tribal Official to Execute Form 7015.15 through September 30, 2025

Posted: January 21, 2022 at 6:22 PM

5 DAY Comment Period Ended: January 26, 2022

Digital Comments received:

Comments Supporting	***None***
Comments Opposing	***None***
Comments/Recommendations	***None***

VSRedhorse
Legislative Tracking Secretary
Office of Legislative Services

January 28, 2022; 9:00 AM
Date/Time

RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL

FOURTH YEAR 2022

COMMITTEE REPORT

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

> **LEGISLATION #0016-22:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; EXTENDING THE TIME FOR A LIMITED WAIVER OF SOVEREIGN IMMUNITY TO ALLOW THE NAVAJO NATION TO BE SUED IN FEDERAL DISTRICT COURT REGARDING COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL PROTECTION ACT IN CARRYING OUT THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANTS AND AUTHORIZING THE PRESIDENT OF THE NAVAJO NATION TO BE THE CERTIFYING TRIBAL OFFICIAL TO EXECUTE FORM 7015.15 THROUGH SEPTEMBER 30, 2025. *Sponsor: Honorable Mark A. Freeland*

Has had it under consideration and reports a **DO PASS** with no amendments.

And thereafter the legislation was referred to the Naabik'íyáti' Committee.

Respectfully submitted,

Rickie Nez, *Chairperson*
Resources and Development Committee of
the 24th Navajo Nation Council

Date:	February 9, 2022 – Regular Meeting ((In-Person and Teleconference)
Location:	Tsaile/Wheatfields Chapter House -- Tsaile, Arizona 86556 Resources and Development Committee also called in via teleconference from their location within the boundary of the Navajo Nation.

Main Motion:

M: Wilson C. Stewart, Jr. **S:** Herman M. Daniels **V:** 5-0-1 (CNV)
In Favor: Thomas Walker, Jr.; Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland; Wilson C. Stewart, Jr.

Opposition: None
Excuse: None
Not Voting: Rickie Nez, *Chairperson*

(NOTE: VOTE TALLY attached hereto)

RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL

FOURTH YEAR 2022

ROLL CALL
VOTE TALLY SHEET

LEGISLATION #0016-22: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; EXTENDING THE TIME FOR A LIMITED WAIVER OF SOVEREIGN IMMUNITY TO ALLOW THE NAVAJO NATION TO BE SUED IN FEDERAL DISTRICT COURT REGARDING COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL PROTECTION ACT IN CARRYING OUT THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANTS AND AUTHORIZING THE PRESIDENT OF THE NAVAJO NATION TO BE THE CERTIFYING TRIBAL OFFICIAL TO EXECUTE FORM 7015.15 THROUGH SEPTEMBER 30, 2025. *Sponsor: Honorable Mark A. Freeland*

Date: February 9, 2022 – Regular Meeting ((In-Person and Teleconference)
Location: Tsaile/Wheatfields Chapter House -- Tsaile, Arizona 86556
Resources and Development Committee also called in via teleconference from their location within the boundary of the Navajo Nation.

Main Motion:

M: Wilson C. Stewart, Jr. **S:** Herman M. Daniels **V:** 5-0-1 (CNV)
In Favor: Thomas Walker, Jr.; Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland; Wilson C. Stewart, Jr.
Opposition: None
Excuse: None
Not Voting: Rickie Nez, *Chairperson*

Honorable Rickie Nez, *Chairperson*
Resources and Development Committee

Rodney L. Tahe

Rodney L. Tahe, *Legislative Advisor*
Office of Legislative Services