

Working Draft Copy - Written Testimony of Mark Maryboy

July 28, 2010

Chairman Rayhall and Members of the Committee, I appreciate my opportunity to provide my testimony to the committee this morning. First of all, on behalf of the Utah Navajos, I would like to acknowledge and thank our congressman, Mr. Jim Matheson for his concern and willingness to help Utah Navajos and keep their trust fund in San Juan County Utah, as intended in 1933.

Two years ago in June 2008, I presented and provided a testimony before this committee regarding the Utah Navajo Trust Fund. At this committee hearing you heard a presentation from me, President Joe Shirley, and Secretary of the Interior, Ross O. Swimmer.

During my presentation, I recommended that this trust fund be controlled and administered by the Utah Navajos because. My position at that time was that, within our Utah Navajo community, we have the ability manage and administer the fund. President Shirley recommended a different position which was to have the Navajo Nation manage the trust fund for the Utah Navajos. The Final presentation was made by the secretary of the interior. Mr. Swimmer proposed two options. Give the responsibility to the Navajo Nation, or have the Utah Navajos form a private non-profit organization to manage the trust.

Since this hearing, the Utah Navajos and Congressman Matheson have met as chapters and communities regarding these two options. The Utah Navajos and Mr. Matheson came to an understanding and agreement to go with the second option, which was to keep the funds in San Juan County.

Chairman Rayhall, your staff also traveled to San Juan County Utah and met with the seven Utah Chapters regarding this matter in the fall of 2008 and also in early in 2010. During the first visit with the chapters, most of the chapters preferred to keep the trust fund administration in San Juan County Utah. This was reiterated during your staff's second visit this year.

Regarding the current bill being proposed, we have met extensively with Mr. Matheson's staff and with Chairman Rahall's staff to discuss the language. Our intent has been to insure that the bill reflects the wishes of the beneficiaries of the trust fund, the Navajos residing in San Juan County, which are to directly provide a resource to the people for their development. Namely to foster economic growth, provide education, health, and general welfare services to our communities.

Specific to this proposed legislation, the people have expressed a desire to see the following provisions:

1. The election process must be something the Chapters can handle on their own familiar terms—the resolution process.
2. A simple majority of Chapters must be required for both the selection and removal of a non-profit as the trustee. The way the original bill structures this (super majority/simple majority) makes me nervous.
3. The non-profit should have the flexibility to either hire or contract for its administrative functions (CEO/CFO)

4. A non-profit trustee should have the ability, to the highest degree possible, to operate under its own bylaws.

I respectfully request that these issues be considered and incorporated in the bill.

With full respect to our leaders from the Navajo Nation we ask for the trust of this committee. The Utah Navajos were named the beneficiaries of this trust in 1933, but since that time they have not been allowed to manage the fund or even to have a voice. This bill provides an opportunity for Utah Navajos to take on the full responsibility of managing this resource. We are proud to be a part of the great Navajo Nation. It is our deepest desire to make a meaningful contribution to the progress and development of our people. This trust fund represents a valuable asset, which if managed properly can do tremendous good. We believe that the Utah Navajos are in the best position to effectively manage the trust.

Conclusion: The Utah Navajos are happy and excited as we look into the future. We are anxious to create an entity that provides true economic and community development. As intended between tribes and congress in its treaties to foster self determination and self governance.

Our dream and vision is to develop a non-profit organization that would work in cooperation with San Juan County, The State of Utah, and the Navajo Nation, to develop jobs, industry, education, healthcare, and prosperity. We see clearly the objective of our people. For too long our economy has been stagnant. We have been deprived of the resources that exist right beneath our feet. All we ask is for the chance to grow. By granting the Utah Navajos the privilege of controlling their own asset, we see a better future for our children and our grand children. We see a better future for the Navajo Nation as a result of the contribution we are anxious to make.

Again, I thank you for allowing me the opportunity to present my testimony. I humbly ask for your support by approving this bill that is before you.