

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0109-25

SPONSOR: Crystalynne Curley

TITLE: An Action Relating to the Naabik'íyáti' Committee: Calling on Congress and the Federal Administration to Uphold its Tribal Trust and Treaty Obligations for Indian Healthcare and Preserve Medicaid Funding for the Indian Health Service and Tribal Healthcare Providers

Date posted: June 06, 2025 at 4:32 PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0109-25

DATE: June 4, 2025

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; CALLING ON CONGRESS AND THE FEDERAL ADMINISTRATION TO UPHOLD ITS TRIBAL TRUST AND TREATY OBLIGATIONS FOR INDIAN HEALTHCARE AND PRESERVE MEDICAID FUNDING FOR THE INDIAN HEALTH SERVICE AND TRIBAL HEALTHCARE PROVIDERS

PURPOSE: The purpose of this proposed resolution is to call on Congress and the Federal administration to uphold the federal trust and treaty obligations to Tribes for Indian healthcare and to preserve tribal Medicaid funding for the Indian Health Service and tribal healthcare providers, along with other provisions.

FINAL AUTHORITY: Naabik'íyáti' Committee

VOTE REQUIRED: Simple Majority

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

5-DAY BILL HOLD PERIOD: ALMA
Website Posting Time/Date: _____
Posting End Date: 06-11-25
Eligible for Action: 06-12-25

PROPOSED STANDING COMMITTEE RESOLUTION
25th NAVAJO NATION COUNCIL – Third Year, 2025

INTRODUCED BY

(Sponsor)

TRACKING NO. 0109-25

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; CALLING ON
CONGRESS AND THE FEDERAL ADMINISTRATION TO UPHOLD ITS
TRIBAL TRUST AND TREATY OBLIGATIONS FOR INDIAN HEALTHCARE
AND PRESERVE MEDICAID FUNDING FOR THE INDIAN HEALTH
SERVICE AND TRIBAL HEALTHCARE PROVIDERS

WHEREAS:

- A. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation Council standing committee and as such empowered the Naabik'iyáti' Committee to coordinate all requests for information, appearances and testimony relating to proposed county, state and federal legislation impacting the Navajo Nation. 2 N.N.C. §§ 700(A) and 701(A)(6).
- B. The Navajo Nation has existed and occupied its territorial areas within the Southwest portion of the United States for centuries, prior to the “discovery” of America.
- C. The United States Supreme Court has stated “*The Navajo Government has been called ‘probably the most elaborate’ among tribes. H.R. Rep. No. 78, 91st Cong., 1st Sess., 8 (1969). The legitimacy of the Navajo Tribal Council, the freely elected governing body of the Navajos, is beyond question.*” 471 U.S. 195, 201 (1985).
- D. The United States government has a federal trust responsibility to the Navajo Nation and other Indian Nations as memorized in treaties between the United States and Indian

1 Nation, numerous Acts of Congress, United States Supreme Court opinions, federal
2 regulations, executive orders, and government-to-government consultation procedures.

3 E. The Navajo Nation comprises over 27,000 square miles, occupying the States of
4 Arizona, New Mexico and Utah. The Navajo Nation is larger than 10 States of the
5 Union. The Navajo Indian Reservation is the largest reservation in the country.
6 Residents of the Navajo Nation comprise Navajo citizens, other Indian citizens, and
7 non-Indians.

8 F. The United States Supreme Court in *Morton v. Mancari*, 417 U.S. 535 (1974), held that
9 the federal classification of Indians is not based on a racial classification but a political
10 classification. Indian people are citizens of their Indian Tribal/Nation governments,
11 who have occupied their territorial areas prior to the discovery of America. Presently,
12 there are 574 federally-recognized American Indian Tribes and Alaska Native entities,
13 who have different membership/citizenship requirements.

14 G. The Navajo Nation government has a central three-branch government (Legislative,
15 Executive and Judicial) that generates governmental revenues through Navajo taxes,
16 leases, fees, royalties, etc. The Navajo Nation government also comprises 110 local
17 chapter governments and a township to address the local needs. The Navajo Nation
18 government receives federal and state grant or contract funds to manage government
19 functions within its territorial jurisdiction. The Navajo Nation governments uses its
20 revenues and funds to provide essential government functions to its citizens, and to
21 residents and tourists within the Navajo Nation.

22 H. The Navajo Nation is comprised of approximately 400,000 Navajo members/citizens,
23 who elect around 744 elected-Navajo government officials (President; Vice-President;
24 legislative Delegates; community Chapter presidents, vice-presidents, commissioners,
25 council members, secretary/treasurers; Township commissioners; school boards; Board
26 of Education; Board of Election Supervisors; and land/grazing/farm officials).

27 I. Navajo citizens participate in Federal elections. Navajo citizens also participate in and
28 are elected into surrounding State, county and city elected positions. Navajo citizens
29 have been elected as State senators, State representatives, State corporate
30 commissioners, county supervisors, city councils, sheriffs, and other city and county

1 positions. Navajo citizens have been appointed into State cabinets and other state
2 department positions, and into federal government positions.

3 J. The Navajo Nation has historically maintained a government-to-government
4 relationship with the United States, as evident by the *Treaty of 1868* between the United
5 States of America and the Navajo Tribe of Indians; Concluded June 1, 1868; Ratified
6 by the U.S. Senate on July 25, 1868; Signed by U.S. President Andrew Johnson on
7 August 12, 1868; 15 Stat. 667.

8 K. In the Treaty of 1868, the United States and the Navajo Indian Tribe (presently “Navajo
9 Nation”), via government-to-government relations, mutually agreed to peace between
10 the two nations, the establishment of boundaries and protections for the Navajo Indian
11 Reservation, the United States promise of education for Navajo children, etc.

12 L. From 1868 to present, the Navajo Nation has continued its government-to-government
13 relations with the United States, State of Arizona, State of New Mexico, State of Utah,
14 other Indian Nations, and other States. Congress has passed countless Acts of Congress
15 (Indian Self-Determination and Education Assistance Act, Tribally Controlled Schools
16 Act of 1988, Indian Tribal Government Tax Status Act, Navajo Nation Trust Land
17 Leasing Act of 2000, various federal Indian environmental primacy laws, etc.) that
18 recognize the unique governmental relations between the United States and the Navajo
19 Nation. Under these Acts of Congress, the Navajo Nation has received federal funds
20 and assumed federal responsibility for law enforcement, detention, judicial, education,
21 environmental protection, leasing authorities, housing, utilities, road transportation and
22 other federal authorities within the Navajo Nation. The Navajo Nation has created and
23 operates numerous departments and governmental entities to assume these federal
24 responsibilities.

25 M. Presently, the Navajo Nation and all Indian Nations maintain a government-to-
26 government relationship with the United States, through various treaties, Acts of
27 Congress, United States Supreme Court opinions, executive orders, federal regulations,
28 and memoranda to agencies.

1 N. Over the years, the Navajo Nation has engaged in numerous negotiations with the
2 federal government to uphold its trust responsibilities, including securing resources
3 for education, healthcare, and infrastructure development under the trust doctrine.

4 O. The Navajo Nation asserts its inherent sovereignty by strengthening its government-
5 to-government relationship with the United States through mutual respect, dialogue,
6 and partnership. Consultation and collaboration with the federal government is
7 necessary to ensure the protection of treaty rights and the well-being of its citizens.

8 P. The Navajo Nation is committed to promoting tribal sovereignty, securing healthcare
9 for its citizens, and calls on Congress for open dialogue with the federal government.

10 Q. Based on the federal government's trust and treaty obligations, Tribal members have
11 a right to healthcare provided by the federal government.

12 R. In 1976, Congress amended Section 1905(b) of the Social Security Act to provide 100
13 percent Federal Medical Assistance Percentage (FMAP) for Medicaid because it
14 would be unfair and inequitable to burden state Medicaid programs with the costs of
15 serving Tribal members as that is a federal obligation. 42 U.S.C. 1396d (b). *See*
16 *further* [https://www.nihb.org/wp-content/uploads/2025/03/Medicaid-Reform-Tribal-](https://www.nihb.org/wp-content/uploads/2025/03/Medicaid-Reform-Tribal-Talking-Points-One-Pager.pdf)
17 [Talking-Points_One-Pager.pdf](https://www.nihb.org/wp-content/uploads/2025/03/Medicaid-Reform-Tribal-Talking-Points-One-Pager.pdf), "Medicaid Reform Tribal Talking Points One-Pager"

18 S. Congress passed the American Health Care Act of 2017 and the Better Care
19 Reconciliation Act of 2017 that exempted Medicaid services provided to Tribal
20 members from counting towards the proposed per capita caps.

21 T. For FY 2025, total Medicaid reimbursements to the Indian Health Service are
22 forecasted to represent only 0.213 percent of the total federal medical assistance
23 payment.

24
25 **THEREFORE, BE IT RESOLVED:**

26 A. The Navajo Nation Council calls upon Congress to ensure adequate access to health care for
27 the Navajo people, as well as all tribal people, and urges Congress to continue to fund the
28 Indian Health Services by sustaining Medicaid appropriations and continue to include Indian
29 exemptions.
30

- 1 B. The Navajo Nation hereby further calls upon U.S. Congress to ensure that a 100% FMAP
2 for healthcare services received by or through the Indian Health Service and Tribal
3 healthcare providers continue.
- 4 C. The Navajo Nation hereby further supports preserving full federal Medicaid funding for
5 the Indian Health Service and Tribal healthcare providers as well as exempting Medicaid
6 reimbursements for services received through the Indian Health Service or Tribal
7 healthcare facilities from any federal or state cap on Medicaid funds.
- 8 D. The Navajo Nation hereby further supports exemptions for Tribal members regarding any
9 Medicaid work requirements.
- 10 E. The Navajo Nation hereby authorizes the Navajo Nation President, Navajo Nation Vice-
11 President and the Speaker of the Navajo Nation Council to take all steps necessary to
12 advocate for the Navajo Nation's position consistent with the above.
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