

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0153-25_

SPONSOR: Dr. Andy Nez

TITLE: An Action Relating to the Naabik'iyáti' Committee; Responding to the United States Department of the Interior "Dear Tribal Leader" Letter Dated April 14, 2025; Reaffirming the Political Classification of the Navajo Nation and its Citizens; Presenting the Position of the Navajo Nation Concerning Executive Order 14210; Urging the Department of the Interior, Indian Affairs, and Bureau of Indian Education to Engage Directly with the Navajo Nation to Conduct Government-to-Government Consultation Regarding Tribally Controlled and Bureau of Indian Education Schools

Date posted: June 20, 2025 at 6:45PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0153-25

DATE: June 20, 2025

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; RESPONDING TO THE UNITED STATES DEPARTMENT OF THE INTERIOR "DEAR TRIBAL LEADER" LETTER DATED APRIL 14, 2025; REAFFIRMING THE POLITICAL CLASSIFICATION OF THE NAVAJO NATION AND ITS CITIZENS; PRESENTING THE POSITION OF THE NAVAJO NATION CONCERNING EXECUTIVE ORDER 14210; URGING THE DEPARTMENT OF THE INTERIOR, INDIAN AFFAIRS, AND BUREAU OF INDIAN EDUCATION TO ENGAGE DIRECTLY WITH THE NAVAJO NATION TO CONDUCT GOVERNMENT-TO-GOVERNMENT CONSULTATION REGARDING TRIBALLY CONTROLLED AND BUREAU OF INDIAN EDUCATION SCHOOLS

PURPOSE: The purpose of this proposed resolution is to provide a Navajo Nation respond to the United States Department of Interior ("DOI") and Bureau of Indian Education ("BIE") "Dear Tribal Leader" letter and to approve having the HEHSC and DODE direct government-to-government consultation with DOI and BIE about Tribally Controlled Schools on Diné Land.

FINAL AUTHORITY: Naabik'iyati' Committee

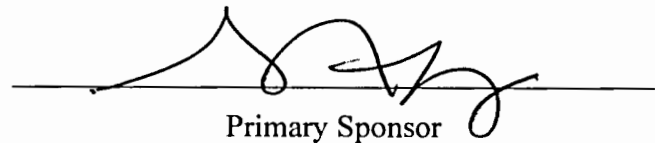
VOTING REQUIREMENT: Simple Majority

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: Al Mike III
Website Posting Time/Date: _____
Posting End Date: 06-25-25
Eligible for Action: 06-26-25

1 PROPOSED NAABIK'YATI' COMMITTEE RESOLUTION
2 25th NAVAJO NATION COUNCIL — Third Year, 2025

4 Introduced By:

5 
6
7 Primary Sponsor

9 Tracking No. 0153-25

11 AN ACTION
12 RELATING TO THE NAABIK'YÁTI' COMMITTEE; RESPONDING TO
13 THE UNITED STATES DEPARTMENT OF THE INTERIOR "DEAR TRIBAL LEADER"
14 LETTER DATED APRIL 14, 2025; REAFFIRMING THE POLITICAL
15 CLASSIFICATION OF THE NAVAJO NATION AND ITS CITIZENS; PRESENTING THE
16 POSITION OF THE NAVAJO NATION CONCERNING EXECUTIVE ORDER 14210;
17 URGING THE DEPARTMENT OF THE INTERIOR, INDIAN AFFAIRS, AND BUREAU
18 OF INDIAN EDUCATION TO ENGAGE DIRECTLY WITH THE NAVAJO NATION TO
19 CONDUCT GOVERNMENT-TO-GOVERNMENT CONSULTATION REGARDING
20 TRIBALLY CONTROLLED AND BUREAU OF INDIAN EDUCATION SCHOOLS

22 WHEREAS:

- 23
24 A. The Navajo Nation established the Naabik'iyáti' Committee as Navajo Nation
25 Council standing committee and as such empowered the Naabik'iyáti' Committee to
26 coordinate all requests for information, appearances and testimony relating to
27 proposed county, state and federal legislation impacting the Navajo Nation. 2 N.N.C.
28 §§ 700(A) and 701(A) (6).
29 B. The Health, Education and Human Services Committee is empowered to represent
30 the Navajo Nation at local, state, and federal levels in coordination with the President

1 of the Navajo Nation and the Naabik'iyáti Committee. N N.N.C. §§ 400(A), and
2 401(8)(7).

3 C. On February 11, 2025, President Trump issued Executive Order 14210 ("EO")
4 establishing the "Department of Government Efficiency" Workforce Optimization
5 Initiative (the "Initiative"), which aims to reform the Federal workforce to maximize
6 efficiency and productivity.

7 D. On April 14, 2025, the United States Department of the Interior ("DOI") issued a
8 "Dear Tribal Leader" letter, attached as **Exhibit A**, to inform Tribes that the federal
9 government's objective to streamline operations while minimizing any potential
10 impact on the quality of services provided to Tribes will affect Indian Affairs.

11 E. In support of the Initiative, the DOI is committed to receiving formal consultation
12 feedback from Tribes regarding the EO as well as the restructuring of Indian Affairs
13 for more efficient interactions with Tribes, identifying efficiency barriers to expedite
14 Tribal funding, and increased Indian Affairs support for Tribal self-governance and
15 self-determination. As a result, the DOI informed Tribes that it will "seek to engage
16 directly with federally recognized Tribes to receive formal input on critical needs."

17 F. Education programs that serve Navajo and other American Indian and Alaskan
18 Native students do not fall under the category of race, color, or national origin as
19 doing so would undermine tribal sovereignty and the unique legal relationship
20 between Indian Tribes and the United States.

21 G. The United States Supreme Court in *Morton v. Mancari*, 417 U.S. 535 (1974), upheld
22 a hiring preference for Indian at the Bureau of Indian Affairs reasoning that because
23 the challenged statute defined "Indian" as a person belonging to a "federally
24 recognized tribe," the classification was not directed towards a "racial group" but was
25 instead political in nature.

26 H. It is imperative to recognize the United States' long-standing trust and treaty
27 obligations. Treaties with Indian nations are the "supreme law of the land" as
28 recognized by the United States Constitution. U.S. Const. art VI. Cl.2.

29 I. For Indian tribes like the Navajo Nation, the political relationship with the federal
30 government is enshrined in bilateral treaties authorized by the Treaty Clause of the

1 United States Constitution, agreements by definition between sovereigns, and not
2 "races." U.S. Const. art VI. Cl.2.

3 J. The educating of Navajo children is a fulfillment of treaty promises to provide for
4 the welfare of tribal sovereigns and their children 25 U.S.C. § 1901(2) (finding that
5 "Congress, through treaties has assumed the responsibility for the protection and
6 preservation of Indian tribes and their resources," and that "there is no resource that
7 is more vital to the continued existence and integrity of Indian tribes than their
8 children and that the United States has direct interest, as trustee, in protecting Indian
9 children." 25 U.S.C. § 1901(3).

10 K. The duty to uphold treaty obligations with Indian tribes demonstrates the
11 government's compelling interest in providing resources and services. For the Navajo
12 Nation, the United States has entered into two treaties promising to protect Navajo
13 people and their children.

14 L. In the Treaty of 1849, the United States promised to "so legislate and act as to secure
15 the permanent prosperity and happiness of said Indians." Treaty with the Navajo art.
16 XI, Sept. 9, 1849, 9 Stat. 974.

17 M. In the Treaty of 1868, the United States promised to secure the education and welfare
18 of Navajo children. Treaty with the Navajo art. VI, June 1, 1868, 10 Stat. 655.

19 N. To the Navajo Nation, resources and services are a direct fulfillment of treaty
20 obligations to promote the care and education of Navajo children and the preservation
21 of the Navajo Nation's prosperity, through continuing the culture of the Navajo
22 Nation through its ongoing connection to its children. The repeated promises made
23 for the welfare of tribal children manifest a trust obligation not only to tribal nations
24 as a whole, but also to individual Indian children.

25 O. The United States Constitution specifically identifies Indian tribes as unique, and the
26 United States Supreme Court has time and again affirmed the principle that United
27 States actions that deliver on trust and treaty obligations to Indian tribes, tribal
28 citizens, and tribal communities do not run afoul of the United States Constitution's
29 equal protection requirements. The federal government's trust responsibility to Indian
30 tribes is a legally enforceable fiduciary obligation on the part of the United States

1 government to protect tribal lands, rights, and resources. The DOI is charged with the
2 trust obligation to assist tribes in the operation of schools and education.

3 P. Through the treaty and trust obligations, consultation is required between the federal
4 government and Indian tribes. The DOI promulgated a consultation policy,
5 ("Consultation Policy") The Consultation Policy also provides consultation to be
6 achieved in various manners, including but not limited to, face-to-face meetings at
7 the local, regional and national levels, roundtables, and teleconferences.

8 Q. In the Policy for Indian control of Indian Education, Congress charged the DOI to
9 "facilitate Indian control of Indian affairs in all matters relating to education." 25
10 U.S.C. subsection 2011.

11 R. Maintaining the integrity of BIE funded schools established by Congress and through
12 the Tribally Controlled Schools Act (Pub. L., No. 100-297 and 25 U.S.C. subsection
13 2501 et seq) "the United States has an obligation to assure maximum Indian
14 participation in the direction of education services..."

15 S. In the Improving America's School Act of 1994, Congress further recognized that
16 "active consultation" between the DOI and tribal leaders was necessary and integral
17 to achieving Indian education. 25 U.S.C. subsection 2011 (b).

18 T. In the No Child Left Behind Act of 2002, 20 U.S.C. 6319, Congress cemented the
19 "active consultation" requirements by setting standards that the DOI "work in a
20 government-to-government relationship to ensure quality education for all Tribal
21 members".

22 U. Paragraphs P-T reference federal law concerning tribal consultation for tribally
23 controlled and Bureau of Indian Education Schools. The "Dear Tribal Leader Letter"
24 has caused concern for Navajo Nation Leaders regarding Bureau of Indian Education
25 ("BIE") and tribally controlled schools on the lands of the Diné people.

26 V. The Navajo Nation remains firm on ensuring that DOI and BIE carry out their roles
27 and responsibilities to conduct formal tribal consultation. The Health, Education and
28 Human Resources Committee has submitted a letter explaining the importance of
29 tribal consultation, attached as **Exhibit B**.

30 W. The Navajo Nation has passed two Resolutions to urge the United States to honor and
uphold its treaty and trust obligations to the Navajo Nation by maintaining

1 government-to-government relations with the Navajo Nation, pursuant to NABIAP-
2 14-25 and NABIMA-13-25.

- 3 X. The resources and services that benefit the Navajo Nation are used in the States of
4 Arizona, New Mexico, and Utah. The number of resources and services that are
5 received from the DOI is profound. The “Dear Tribal Letter” indicates that the DOI
6 will develop plans to “implement operational improvements” while remaining
7 “committed to fulfilling [its]responsibilities efficiently and effectively”. This
8 commitment only makes exceedingly necessary to conduct direct government-to-
9 government consultation with the largest sovereign tribe in the United States.

10 **NOW THEREFORE, BE IT RESOLVED:**

- 11 A. The Navajo Nation submits a position letter that has been a joint effort between
12 the Department of Diné Education and Diné Bi Olta School Board Association,
13 Inc. to the Department of the Interior, Indian Affairs, and the Bureau of Indian
14 Education, attached as **Exhibit C**, concerning the April 14, 2025 “Dear Tribal
15 Leader Letter.”
- 16 B. The Navajo Nation hereby requests separate and direct government-to-
17 government tribal consultation as is ensured by federal applicable law with the
18 Department of the Interior, Indian Affairs, and the Bureau of Indian Education on
19 behalf of the Navajo Nation’s children, concerning Bureau of Indian Education
20 and tribally controlled schools on the lands of the Diné people.
- 21 C. The Navajo Nation hereby reaffirms the Treaty of 1849 and Treaty of 1868 and
22 urges the United States and its agencies to uphold all treaty and trust obligations
23 to protect the rights, lands, and resources of the Navajo Nation and its citizens.
- 24 D. The Naabik’iyáti’ Committee hereby authorizes the Health, Education, and
25 Human Services Committee, the Department of Dine Education, and Diné Bi Olta
26 School Board Association, Inc. to take all steps necessary to advocate for the
27 Navajo Nation's position with respect to this resolution.
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