

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0180-25_

SPONSOR: Crystalynne Curley

**TITLE: An Action Relating to an Emergency and the Navajo Nation Council;
Urging Congress to Support and Pass the Indian Programs Advance
Appropriations Act of 2025 and Urging the President of the United States to Include
Indian Programs in the FY2026 and Future Federal Budget Proposals**

Date posted: August 04, 2025 at 6:46PM

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.*

LEGISLATIVE SUMMARY SHEET

Tracking No. 0180-25

DATE: August 4, 2025

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL; URGING CONGRESS TO SUPPORT AND PASS THE INDIAN PROGRAMS ADVANCE APPROPRIATIONS ACT OF 2025 AND URGING THE PRESIDENT OF THE UNITED STATES TO INCLUDE INDIAN PROGRAMS IN THE FY2026 AND FUTURE FEDERAL BUDGET PROPOSALS

PURPOSE: The purpose of this proposed emergency resolution is to urge the US Congress to support and pass the Indian Programs Advance Appropriations Act of 2025 and to include Indian Programs in the FY2026 future federal budget proposal.

FINAL AUTHORITY: Navajo Nation Council

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.

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
25TH NAVAJO NATION COUNCIL – Third Year, 2025

Introduced by:



(Prime Sponsor)

Tracking No. 0180-25

AN ACTION

**RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL;
URGING CONGRESS TO SUPPORT AND PASS THE INDIAN PROGRAMS
ADVANCE APPROPRIATIONS ACT OF 2025 AND URGING THE PRESIDENT OF
THE UNITED STATES TO INCLUDE INDIAN PROGRAMS IN THE FY2026
AND FUTURE FEDERAL BUDGET PROPOSALS**

BE IT ENACTED:

WHEREAS:

- A. Pursuant to 2 N.N.C. § 164(A)(16), The Navajo Nation Council is the governing body of the Navajo Nation. As such, the Navajo Nation Council may consider proposed legislation regarding an emergency matter pursuant to 2 N.N.C. § 164(A)(16).
- B. “[M]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council.” 2 N.N.C. § 164(A)(16).

- 1 C. As the governing body of the Navajo Nation pursuant to 2 N.N.C. § 102(A), the Navajo
2 Nation Council is entrusted with the responsibility to safeguard the interests, rights, and
3 traditions of the Navajo People.
- 4 D. The Tribal-Budget Interior Council (TIBC) is scheduled to meet August 4-7, 2025, to
5 discuss the 2025 federal budget appropriations for tribal programs that provide essential
6 direct services to the Navajo People. Due to essential services to the Navajo People being
7 affected by any potential changes to federal funding of tribal programs, it is deemed an
8 emergence for the Navajo Nation to take a position to be put forward to the
9 Administration and the Department of Interior during s meeting.
- 10 E. The United States of America entered into a binding treaty with the Navajo Nation on
11 June 1, 1868, known as the Treaty Between the United States of America and the Navajo
12 Tribe of Indians (15 Stat. 667). The Treaty established a permanent government-to-
13 government relationship and imposed a legal and moral obligation on the United States
14 to provide for the education, health, public safety, and general welfare of the Navajo
15 People.
- 16 F. Article VI of the Treaty expressly commits the United States to provide teachers and
17 resources for the education and advancement of the Navajo People, thereby affirming its
18 continuing responsibility to support core public services as part of the trust relationship.
- 19 G. The Treaty of 1868 remains in full force and continues to serve as a foundational
20 document that obligates the federal government to provide sufficient and stable
21 appropriations to support Navajo Nation institutions.
- 22 H. This federal obligation is further grounded in long-standing legislation including the
23 Indian Self-Determination and Education Assistance Act of 1975 (ISDEAA) and the
24 Indian Health Care Improvement Act. These statutes codify the federal government's
25 responsibility to fund health care, education, law enforcement, housing, and
26 infrastructure services in Indian Country through agencies such as the Indian Health
27 Service (IHS), Bureau of Indian Affairs (BIA), and Bureau of Indian Education (BIE).
28 These laws recognize that the provision of such services is not a discretionary act but a
29 binding obligation flowing from treaties and the United States Constitution.
30

- 1 I. Since Fiscal Year 1997, federal Indian programs have received full-year appropriations
2 by the start of the fiscal year only once—during Fiscal Year 2006. In all other years,
3 Indian programs have been subjected to continuing resolutions (CRs), leading to chronic
4 funding uncertainty. These short-term funding mechanisms create systemic disruptions
5 to service delivery, inhibit long-term planning, delay hiring and procurement, and
6 ultimately undermine the federal government’s ability to fulfill its treaty and trust
7 responsibilities.
- 8 J. The Navajo Nation administers critical government services in partnership with the
9 federal government, consistent with its inherent sovereignty and its authority under the
10 ISDEAA. These services include but are not limited to 1) Law enforcement and public
11 safety operated under a 638 contract with the BIA; 2) Health care services delivered
12 through both direct IHS provision and Navajo-administered 638 agreements; 3)
13 Education programs funded through the BIE, including K–12 schools and higher
14 education support; 4) Road maintenance and infrastructure funded through the BIA’s
15 Tribal Transportation Program; 5) Housing assistance through the BIA Housing
16 Improvement Program (HIP). These programs are not supplementary; they are the means
17 by which the federal government fulfills its treaty promises and statutory duties. They
18 are essential to the Navajo People’s well-being, security, and development.
- 19 K. Delays in federal appropriations expose these programs to operational instability. Under
20 CRs, the Navajo Nation cannot fully implement budgets, renew contracts, hire essential
21 personnel, or initiate long-term projects. These disruptions place lives at risk and violate
22 the basic principles of government-to-government respect and fiduciary responsibility.
- 23 L. The Indian Programs Advance Appropriations Act of 2025, to be introduced by Senator
24 Ben Ray Luján, will propose a budgetary solution that would authorize advance
25 appropriations for core Indian programs funded through IHS, BIA, and BIE. These
26 include 1) For BIA: Operation of Indian Programs, Contract Support Costs, Indian
27 Guaranteed Loan Program, Payments for Tribal Leases, and Construction; 2) For BIE:
28 Operation of Indian Education Programs and Education Construction; 4) IHS: Indian
29 Health Services, Contract Support Costs, Payments for Tribal Leases, and Indian Health
30 Facilities.

- 1 M. Advance appropriations would allow the Navajo Nation and other Tribal governments to
2 prepare budgets, execute contracts, recruit and retain qualified personnel, and ensure
3 continuity of services without interruption. By removing Tribal programs from the
4 uncertainty of year-to-year CRs, Congress would take a critical step toward honoring its
5 legal commitments and strengthening Tribal self-governance.
- 6 N. Advance appropriations represent a practical and principled solution to restore funding
7 certainty, protect life and public safety, and uphold the promises enshrined in the Treaty
8 of 1868.
- 9 O. The Indian Programs Advance Appropriations Act of 2025 not only authorizes advance
10 appropriations but also amends existing federal laws including the Indian Self-
11 Determination Act, the Indian Health Care Improvement Act, and the Education
12 Amendments of 1978 to permanently require the inclusion of advance appropriations
13 estimates in the President's annual budget submissions for Indian programs. These
14 amendments institutionalize the obligation of the Secretaries of the Interior and Health
15 and Human Services to consult with Tribes and provide detailed funding estimates for
16 the fiscal year following the budget year, thereby strengthening transparency and
17 reinforcing Tribal consultation in the federal budget process.
- 18 P. The Indian Programs Advance Appropriations Act of 2025 mandates annual reports by
19 the Secretaries of the Interior and Health and Human Services, developed in consultation
20 with Indian Tribes, that assess whether appropriations for IHS, BIA, and BIE are
21 sufficient to meet the actual service demands and workloads for the upcoming fiscal year.
22 These reporting requirements represent a significant step toward data-driven
23 appropriations that reflect the real needs of Tribal populations, consistent with the trust
24 and treaty obligations of the United States.
- 25 Q. The Navajo Nation has consistently advocated for the enactment of advance
26 appropriations legislation. Most recently, the Navajo Nation passed Resolution
27 NABIJA-02-25, attached as **Exhibit A**, "An Action Relating to the Naabik'iyáti'
28 Committee; Approving the Navajo Nation's Official Federal Priorities for the Incoming
29 Administration and the 119th Congress," which identifies the adoption of advance and
30 mandatory appropriations as a top legislative priority for several Indian Affairs Programs.

1 R. The Navajo Nation supports that the passage of the Indian Programs Advance
2 Appropriations Act of 2025 is a matter of justice and necessity. The failure to provide
3 timely and predictable funding for programs serving Indian Country is a breach of the
4 United States' treaty obligations.
5

6 **THEREFORE, BE IT RESOLVED:**

- 7 A. The Navajo Nation Council urges Congress to support and pass the Indian Programs
8 Advance Appropriations Act of 2025.
- 9 B. The Navajo Nation Council further urges the President of the United States and the Office
10 of Management and Budget to include Indian programs in the FY2026 and future federal
11 budgets as part of advance appropriations proposals to Congress.
- 12 C. The Navajo Nation Council hereby authorizes the Speaker of the Navajo Nation Council,
13 the President of the Navajo Nation, and their designees, to advocate for the Indian
14 Programs Advance Appropriations Act of 2025 to the U.S. Congress and appropriate
15 federal agencies.
- 16 D. The Navajo Nation Council hereby directs the Navajo Nation Washington Office to
17 transmit a copy of this resolution upon its certification to the U.S. Congress and
18 appropriate federal agencies.
19
20
21
22
23
24
25
26
27
28
29
30