

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0005-26_

SPONSOR: Carl R. Slater

TITLE: An Act relating to the Law and Order and Naabik'íyáti' Committees, and the Navajo Nation Council; Amending Title Two Provisions Related to the Powers, Duties and Responsibilities of the Navajo Nation Council and the Navajo Nation President and Vice-President Relating to the Confirmation of all Division and Executive Directors, The Controller, The Attorney General and the Deputy Attorney General

Date posted: January 14, 2026 at 6:04PM

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. 0005-26

DATE: January 14, 2026

TITLE OF RESOLUTION: AN ACT RELATING TO THE LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; AMENDING TITLE TWO PROVISIONS RELATED TO THE POWERS, DUTIES AND RESPONSIBILITIES OF THE NAVAJO NATION COUNCIL AND THE NAVAJO NATION PRESIDENT AND VICE-PRESIDENT RELATING TO THE CONFIRMATION OF ALL DIVISION AND EXECUTIVE DIRECTORS, THE CONTROLLER, THE ATTORNEY GENERAL AND THE DEPUTY ATTORNEY GENERAL

PURPOSE: This resolution, if approved, would amend provisions regarding the confirmation of all division and Executive Directors, the Controller, the Attorney General and the Deputy Attorney General by the Navajo Nation Council.

FINAL AUTHORITY: Navajo Nation Council

VOTE REQUIRED: 2/3 majority vote

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 McKitt
Website Posting Time/Date: _____
Posting End Date: 1/19/26
Eligible for Action: 1/20/26

Law & Order Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
25th NAVAJO NATION COUNCIL - Fourth Year, 2026

Introduced By:

(Prime Sponsor) 

Tracking No. 0005-26

AN ACT

**RELATING TO THE LAW AND ORDER AND NAABIK'ÍYÁTI'
COMMITTEES, AND THE NAVAJO NATION COUNCIL; AMENDING TITLE
TWO PROVISIONS RELATED TO THE POWERS, DUTIES AND
RESPONSIBILITIES OF THE NAVAJO NATION COUNCIL AND THE
NAVAJO NATION PRESIDENT AND VICE-PRESIDENT RELATING TO THE
CONFIRMATION OF ALL DIVISION AND EXECUTIVE DIRECTORS, THE
CONTROLLER, THE ATTORNEY GENERAL AND THE DEPUTY ATTORNEY
GENERAL**

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).
- B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council empowered to review proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. §§ 700(A), 164(A)(9).
- C. The Law and Order Committee is a standing committee of the Navajo Nation Council empowered to review and make recommendations to the Navajo Nation Council on proposed amendments to and enactments in the Navajo Nation Code. 2 N.N.C. §§

600(A), 601(B)(14).

SECTION TWO. FINDINGS

- A. Pursuant to 2 N.N.C. § 102(F), the Navajo Nation Council has the power to “confirm the appointments of all division directors upon recommendation from the appropriate oversight committee. The President shall present the appointment at the next Navajo Nation Council session following the date the appointments are made.”
- B. Pursuant to 2 N.N.C. § 1005(C)(3), the Navajo Nation President has the power to, “[a]ppoint supervisory executive personnel subject to applicable laws.”
- C. For the benefit of the Navajo People, through the principles of *Hózhó* and *K’é*, there is a need to ensure stability, accountability, and the preservation of the sacred trust placed in Navajo Nation elected leaders, including a clear, timely, and transparent process for the confirmation of executive appointees to ensure the Navajo Nation Government operates harmoniously and effectively.
- D. There is a need to uphold the principles of separation of powers and good governance, to include preventing prolonged vacancies and the exercise of authority without the consent of the People's representatives on the Navajo Nation Council.
- E. There is a need to amend Title 2 provisions related to the powers, duties and responsibilities of the Navajo Nation Council and the Navajo Nation President and Vice-President relating to the confirmation of all division and executive directors, the controller, the attorney general and the deputy attorney general.

SECTION THREE. AMENDING TITLE 2 RELATING TO THE CONFIRMATION OF DIVISION OR EXECUTIVE DIRECTORS, THE CONTROLLER, THE ATTORNEY GENERAL AND THE DEPUTY ATTORNEY GENERAL

The Navajo Nation Council hereby amends Title 2 of the Navajo Nation Code as follows:

Title 2. Navajo Nation Government
Chapter 3. Legislative Branch
Subchapter 1. Navajo Nation Council

1 ***

2 **§ 102. Powers; composition**

3 ***

4 ~~F. The Navajo Nation Council shall confirm the appointments of all division directors upon~~
5 ~~recommendation from the appropriate oversight committee. The President shall present~~
6 ~~the appointments at the next Navajo Nation Council session following the date the~~
7 ~~appointments are made.~~

8 ~~G.F.~~ The Navajo Nation Council shall establish standing committees of the Council and
9 delegate such authority to such committees as it deems necessary and proper for such
10 committees to execute the purposes delegated.

11 G. The Navajo Nation Council shall confirm the appointments of all division and executive
12 directors, the Controller, the Attorney General and the Deputy Attorney General upon
13 recommendation from the appropriate oversight committee. Within three (3) days of an
14 executive appointee's nomination by an appointment letter from the President, the
15 President shall submit to the Speaker of the Navajo Nation Council, a complete
16 nomination packet for each nominee. The President or the Vice-President shall be
17 present in person for the appointment at the next immediate Navajo Nation Council
18 session following the date the appointment is made.

19 1. Appointee nomination packets shall include: a formal nomination letter; the
20 nominee's resume; the nominee's Certificate of Indian Blood, if applicable; an
21 authorization for a comprehensive background check; and a signed affidavit from
22 the President of the Navajo Nation vouching for the nominee's integrity,
23 education and qualifications for the position while the background check is
24 pending. Upon receipt of a complete nomination packet from the President, the
25 Speaker of the Navajo Nation Council shall initiate the legislative process for the
26 nominee's consideration and confirmation.

27 2. The following schedule shall be followed for the executive confirmation process:

28 a. Days 1 - 45: The nomination shall be immediately assigned to the
29 appropriate Council standing committee for oversight consideration. This
30 committee is responsible for conducting thorough due diligence,

1 including public hearings, interviews with the nominee, and verification
2 of credentials. The committee must conclude its review and forward a "do
3 pass" or "do not pass" recommendation to the Naabik'iyáti' Committee
4 within 45 days;

5 b. Days 46 - 75: The Naabik'iyáti' Committee shall review the standing
6 committee's recommendation and vote to place the nomination on the
7 agenda for the next full Council Session;

8 c. Days 76 - 90: The full Navajo Nation Council must hold a final debate
9 and vote on the nomination within this period. The final vote by the full
10 Council may take place only after the results of the nominee's
11 comprehensive background check have been formally transmitted to the
12 Speaker and the relevant oversight committee. The committee shall be
13 responsible for reviewing the results and noting any areas of concern in
14 its final recommendation.

15 3. Process for Delays. If for any reason, the Council is unable to hold a final vote
16 within the 90-day period, the nomination is automatically considered rejected,
17 and the provisions of *Consequences for Failure to Meet Confirmation Timeline*
18 section below shall apply. This places responsibility on both the executive and
19 legislative branches to act with due diligence.

20 4. Consequences for Failure to Meet Confirmation Timeline for Executive
21 Nominees. To enforce the 90-day mandate and ensure finality, the following
22 provisions shall apply:

23 a. If a nominee is not confirmed by the Council within the 90-day period,
24 their nomination is immediately and formally rejected. The individual
25 must vacate the acting position within 24 hours.

26 b. An individual whose nomination fails due to the expiration of the 90-day
27 timeline cannot be re-nominated for the same position (directorship,
28 Controller, Attorney General or Deputy Attorney General) for a period of
29 two (2) years from the date of rejection. This is intended to prevent the
30 circumvention of Council oversight and authority through repeated re-

1 nominations of the same individual. This provision may only be waived
2 by a 2/3 vote of the Council. There shall be a 2/3 vote of the Naabik'iyáti'
3 Committee to demonstrate that the nominee's consideration may receive
4 final approval before the process is reinitiated and moves to the oversight
5 committees. Committees may waive their review via letter to the Speaker,
6 and such letter will become a part of the nominee's nomination packet.

7 5. Effective immediately upon the enactment of this legislation, any individual
8 previously nominated for a position as a division or executive director or as the
9 Controller, Attorney General or Deputy Attorney General who has received a
10 final vote by the full Navajo Nation Council or Naabik'iyáti' and failed to be
11 confirmed within the 365 days preceding the date of this Act's enactment shall
12 automatically be subject to the provisions outlined in the *Consequences for*
13 *Failure to Meet Confirmation Timeline for Nominees* section. The two-year re-
14 nomination ban for that individual shall be calculated as having commenced on
15 the date of their failed confirmation vote.

16 ***

17 Chapter 5. Executive Branch

18 Subchapter 1. Generally

19 Article 1. Office of the President and Vice-President

20 ***

21 § 1005. Powers, ~~and duties~~ and responsibilities

22 ***

23 C. The President shall have the following enumerated powers, duties and responsibilities:

24 ***

25 3. Appoint supervisory executive personnel subject to applicable laws.

26 a. Supervisory executive personnel appointment legislation shall be
27 considered as an executive nomination and, as such, shall not require a
28 sponsor from the Navajo Nation Council. Throughout the entire
29 confirmation process, the President or the Vice-President shall act as the
30 official agent for the nominee. Their responsibilities include

1 accompanying the nominee to all hearings, formally presenting the
2 nominee's qualifications, and serving as the primary liaison between the
3 nominee and the Council.

4 b. Until confirmed by the Navajo Nation Council, a nominee with a
5 completed nomination packet submitted to the Speaker of the Navajo
6 Nation Council as described at 2 N.N.C. § 102(F), may serve in an
7 “acting” capacity subject to the following limitations:

8 1. Permitted Actions: manage the day-to-day administrative
9 functions of the division or organization to ensure continuity of
10 operations; implement and enforce existing laws, regulations, and
11 policies; authorize expenditures consistent with the already
12 approved annual budget; ensure the continued delivery of essential
13 services to the Navajo people; and participate in the execution of
14 contracts valued under \$50,000 that are part of routine operations.

15 2. Prohibited Actions: cannot create, abolish, or reorganize any
16 program or department within the division; cannot issue new,
17 binding regulations or fundamentally alter existing policies,
18 including internal and external regulations and policies; cannot
19 enter into non-emergency contracts or intergovernmental
20 agreements exceeding \$50,000 without the express approval of the
21 relevant oversight committee; cannot hire or terminate without
22 cause senior-level personnel (e.g., deputy directors, department
23 managers, program managers, or employees with principal in their
24 title or equivalent titles); cannot reallocate significant funds
25 greater than \$10,000, from the division's approved budget without
26 legislative approval.

27 ***

28 **Subchapter 39. Department of Justice**

29 **Article 1. Generally**

30 ***

1 § 1962. Personnel

2 ***

3 B. The Attorney General and Deputy Attorney General shall be licensed attorneys in good
4 standing to practice on the Navajo Nation and within the States of Arizona, New Mexico
5 or Utah. The Attorney General and Deputy Attorney General shall be appointed by the
6 Navajo Nation Council, upon the recommendation of the President, to serve at a
7 negotiated salary. The appointment shall be effective ~~upon~~ after the approval of ~~by~~ the
8 Navajo Nation Council, for a term concurrent with the term of the President. The
9 Attorney General and Deputy Attorney General shall serve at the pleasure of the Navajo
10 Nation Council. All other attorneys shall serve at a negotiated salary and at the pleasure
11 of the Attorney General.

12 1. The Attorney General serves as the chief legal officer of the Navajo Nation, a role
13 with unique powers and responsibilities that necessitates enhanced scrutiny and
14 necessitates stricter limitations while the individual is in an acting capacity.

15 2. In addition to the standard supervisory executive personnel appointment process
16 described in 2 N.N.C. §§ 102(F) and 1005(C), the Attorney General and Deputy
17 Attorney General nominees must:

18 a. Include in their nomination packet, a conflict of interest clearance letter
19 to ensure the nominee will not have any conflicts if approved as the
20 Attorney General or Deputy Attorney General.

21 b. Undergo a formal review and receive a recommendation from the Navajo
22 Nation Bar Association, to be based on the nominee's qualifications,
23 fitness, ethical standing, and understanding of Navajo law; and

24 c. Participate in a special public hearing before the Law and Order
25 Committee focused on the nominee's legal philosophy, interpretation of
26 Navajo Law, vision for defending and expanding the Nation's sovereignty,
27 and to ensure the highest ethical standards of conduct over the Nation's
28 business.

1 3. An Acting Attorney General and an Acting Deputy Attorney General may
2 provide routine legal advice and represent the Nation in ongoing litigation.

3 However, an Acting Attorney General is expressly prohibited from:

4 a. Issuing formal Attorney General Opinions as authorized in 2 N.N.C. §
5 1965;

6 b. Initiating major litigation on behalf of the Navajo Nation, especially
7 against other sovereign governments (federal, state, or tribal), without
8 explicit legislative consent, that may be provided by the Speaker after
9 consultation with the Council;

10 c. Waiving the Navajo Nation's sovereign immunity for any purpose.

11 d. Entering into settlement agreements for any legal dispute exceeding
12 \$250,000 without the approval from the Naabik'íyáti' Committee or the
13 Navajo Nation Council.

14 ***
15 _____
16

17 **SECTION FOUR. CODIFICATION**

18 The provisions of these amendments of the Navajo Nation Code shall be codified by the Office
19 of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended
20 provisions in the next codification of the Navajo Nation Code.
21

22 **SECTION FIVE. SAVINGS CLAUSE**

23 Should any provisions of these amendments be determined invalid by the Navajo Nation
24 Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo Nation
25 Supreme Court, those amendments that are not determined invalid shall remain the law of the
26 Navajo Nation.
27

28 **SECTION SIX. EFFECTIVE DATE**

29 The Navajo Nation Code amendment enacted herein shall be effective pursuant to 2 N.N.C. §
30 221(B).