

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0021-26

SPONSOR: Andy Nez

TITLE: An Action Relating to an Emergency for the Navajo Nation Council; Responding to the United States Department of Health & Human Services Indian Health Services' "Dear Tribal Leader" Letter Dated December 5, 2025; Providing the Navajo Nation's Position on the Indian Health Services Realignment Plan

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0021-26

DATE: January 23, 2026

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; RESPONDING TO THE UNITED STATES DEPARTMENT OF HEALTH & HUMAN SERVICES INDIAN HEALTH SERVICES' "DEAR TRIBAL LEADER" LETTER DATED DECEMBER 5,2025; PROVIDING THE NAVAJO NATION'S POSITION ON THE INDIAN HEALTH SERVICES REALIGNMENT PLAN

PURPOSE: This resolution, if approved, would establish the Navajo Nation's position on the Indian Health Services Realignment Plan.

FINAL AUTHORITY: Navajo Nation Council

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.

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 25th NAVAJO NATION COUNCIL - Fourth Year, 2026

3 Introduced by:

4 
5 (Prime Sponsor)
6

7 Tracking No. 0021-26
8

9
10 AN ACTION

11 RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL;
12 RESPONDING TO THE UNITED STATES DEPARTMENT OF HEALTH & HUMAN
13 SERVICES INDIAN HEALTH SERVICES' "DEAR TRIBAL LEADER" LETTER
14 DATED DECEMBER 5,2025; PROVIDING THE NAVAJO NATION'S POSITION ON
15 THE INDIAN HEALTH SERVICE REALIGNMENT PLAN

16
17 WHEREAS:

18 A. The Navajo Nation Council is the governing body of the Navajo Nation, and as such
19 may consider proposed legislation regarding an emergency matter. 2 N. N. C. §§ 102
20 (A) and 164 (A)(16).

21 B. "[M]atters constituting an emergency shall be limited to the cessation of law
22 enforcement services, and disaster relief services, fire protection services or other direct
23 services required as an entitlement under Navajo Nation or Federal law, or which
24 directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must
25 arise due to the pressing public need for such resolution(s) and must be a matter
26 requiring final action by the Council." 2 N. N. C. § 164 (A)(16).

27 C. Navajo Nation statements of policy are written statements submitted to federal, state, or
28 local governments by a Navajo Nation official stating the official position of the Navajo
29 Nation on proposed legislation or other action by that government. 2 N.N.C. § 110(W).

1 D. The Treaty of 1868 between the Navajo Nation and the United States of America is a
2 foundational document that establishes a government-to-government relationship,
3 affirms Navajo sovereignty, and defines the Nation's territorial boundaries and rights.

4 E. The Indian Health Service ("IHS") was created following the Indian Health Facilities
5 Act of 1954 (also known as the "Transfer Act"), which transferred the maintenance and
6 operations of hospital and health facilities for Indians to the Public Health Service, and
7 for "other purposes".

8 F. The Navajo Area Indian Health Service ("NAIHS") was established on July 1, 1955.
9 The NAIHS is one of twelve (12) IHS Regional Areas and is the only IHS Regional
10 Area that is identified by a tribal name. The NAIHS delivers health services to a user
11 population of over 244,000 American Indians in five (5) federal service units on and
12 near the Navajo Nation. NAIHS provides inpatient, emergency, outpatient, public
13 health, and other services at four hospitals. NAIHS has P.L. 93-638 contracts and
14 compacts with Tribal health corporations authorized by the Navajo Nation.

15 G. On November 6, 2000, the President of the United States issued Executive Order 13175,
16 which established regular and meaningful consultation and collaboration with tribal
17 officials in the development of federal policies that have tribal implications, to
18 strengthen the United States government-to-government relationships with Indian
19 tribes, and to reduce the imposition of unfunded mandates upon Indian tribes.

20 H. On January 26, 2021, the President of the United States issued a Presidential
21 Memorandum on tribal consultation and strengthening Nation-to-Nation relationships
22 that requires U.S. Department of Health and Human Services to submit a detailed plan
23 for implementing Executive Order 13175, which charges all executive departments and
24 agencies to engage in regular, meaningful, and robust consultation with tribal officials
25 in the development of federal policies that have tribal implications.

26 I. On December 5, 2025, IHS Chief of Staff sent a "Dear Tribal Leader Letter" regarding
27 the U.S. Department of Health and Human Services' IHS Tribal Consultation to tribal
28 leaders, attached as **Exhibit A**. The "Dear Tribal Leader Letter" introduced a new
29 realignment process to meet modern needs, including the offering of several

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1 consultations to hear the opinions of tribes. It has been more than 20 years since the IHS
2 has undergone a holistic reorganization.

3 J. The intent of the IHS realignment plan is to create a more patient-centered, self-
4 determination-driven, operationally efficient, and fiscally sustainable health care system
5 that strengthens partnerships and better supports the health of American Indians and
6 Alaska Natives.

7 K. The Navajo Nation is concerned that the new IHS realignment plan will bring more
8 bureaucratic red tape rather than less to the Navajo Nation. In the IHS realignment plan,
9 NAIHS would no longer be an IHS Regional Area, and this would potentially create
10 unnecessary barriers in direct communication between the Nation and IHS that currently
11 exists with NAIHS. The IHS realignment plan would require the Nation to first
12 communicate with an IHS area office then through an IHS Regional Office then finally
13 with IHS HQ.

14 L. The Navajo Nation is the largest tribal nation in the United States, with over 400,000
15 enrolled members—with approximately half living on the reservation—and a land base
16 of more than 27,000 square miles comprising a total land area larger than the state of
17 West Virginia and portions of three states—Arizona, New Mexico, and Utah—spanning
18 into our reservation.

19 M. The Navajo Nation contains 12 health care centers within the current IHS regional
20 structure.

21 N. Given the Navajo Nation’s population size and service area, the Navajo Nation must
22 maintain its own IHS region. It would be inappropriate and inefficient to include the
23 Navajo Nation in a region with other areas.

24 O. The Indian Self-Determination and Education Assistance Act (“ISDEAA”) has
25 prompted changes in how the IHS distributes its budget. As of 2025, 65% of the IHS
26 budget is transferred to tribes and tribal organizations through ISDEAA.

27 P. The NAIHS plays a pivotal role as an IHS regional administrative unit that ensures the
28 Navajo Nation’s position in maintaining its self-determination and strengthens the need
29 for patient-centered care. As such, the intent of the IHS realignment plan is best
30 accomplished by retaining the NAIHS as a regional area.

1

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

3 A. The Navajo Nation hereby support the comments attached as **Exhibit B** as the official
4 position of the Navajo Nation related the Department of the Health & Human Services
5 Indian Health Services' realignment plans that affect the delivery of health care and
6 public health services on the Navajo Nation.

7 B. The Navajo Nation hereby authorizes the Speaker of the Navajo Nation Council,
8 President of the Navajo Nation, and their designees, to take all steps necessary to
9 advocate for the Navajo Nation's position with respect to this resolution.

10 C. The Navajo Nation also encourages the Indian Health Service and all its partners to
11 conduct formal tribal consultation on the Navajo Nation.