

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0217-26_

SPONSOR: Curtis Yanito

TITLE: An Action Relating to an Emergency for the Navajo Nation Council; Amending CJY-33-26, Section Five (E), To Clarify that the Portion of the \$75,546,678.33 Unreserved, Undesignated Fund Balance ("UUFb") Appropriation to the Navajo Nation Broadband Office that remains Unexpended and Unencumbered at the End of Navajo Nation Fiscal Year 2027 will lapse

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0217-26

DATE: September 23, 2026

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; AMENDING CJY-33-26, SECTION FIVE (E), TO CLARIFY THAT THE PORTION OF THE \$75,546,678.33 UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFB") APPROPRIATION TO THE NAVAJO NATION BROADBAND OFFICE THAT REMAINS UNEXPENDED AND UNENCUMBERED AT THE END OF NAVAJO NATION FISCAL YEAR 2027 WILL LAPSE

PURPOSE: This emergency resolution, if adopted, will amend Section Five (E) of Council Resolution CJY-33-26 to clarify that the unexpended and unencumbered portion of the \$75,546,678.33 UUFB appropriation to the Navajo Nation Broadband Office is subject to lapse at the end of FY2027 rather than FY2026.

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.

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

Introduced By:



Primary Sponsor

Tracking No. 0217-26

AN ACTION

**RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL;
AMENDING CJY-33-26, SECTION FIVE (E), TO CLARIFY THAT THE PORTION
OF THE \$75,546,678.33 UNRESERVED, UNDESIGNATED FUND BALANCE ("UUF")
APPROPRIATION TO THE NAVAJO NATION BROADBAND OFFICE THAT REMAINS
UNEXPENDED AND UNENCUMBERED AT THE END OF NAVAJO NATION FISCAL
YEAR 2027 WILL LAPSE**

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation and may consider legislation regarding an emergency matter. 2 N.N.C. §§ 102(A) and 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 requires 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. The Navajo Nation Council may waive 12 N.N.C. § 820(N), by “a 7/8 vote among
2 all Council delegates.”
3

4 **SECTION TWO. FINDINGS**

5 A. On July 10, 2026, the Navajo Nation Council enacted Council Resolution CJY-33-26,
6 which was signed by President Dr. Buu Nygren on July 14, 2026 and became effective
7 July 20, 2026. Resolution CJY-33-26 appropriated \$75,546,678.33 from the
8 Unreserved, Undesignated Fund Balance ("UUFB") to the Navajo Nation Broadband
9 Office for Year 1 projects in the Broadband Infrastructure Projects Expenditure Plan.
10 Resolution CJY-33-26 with its Exhibit A is attached hereto as **Exhibit A**.

11 B. Section Five (E) of Resolution CJY-33-26 provides that the portion of the
12 \$75,546,678.33 UUFB appropriation that remains unspent and unencumbered at the
13 end of the Navajo Nation fiscal year shall lapse and revert to the General Fund pursuant
14 to 12 N.N.C. § 820(N). There exists some degree of ambiguity about whether the funds
15 would lapse at the end of FY2026 or FY2027; Resolution CJY-33-26 did not explicitly
16 specify FY2026 or FY2027.

17 C. Resolution CJY-33-26 became effective with only approximately ten (10) weeks
18 remaining in Navajo Nation Fiscal Year 2026, providing the Navajo Nation Broadband
19 Office insufficient time to fully encumber the appropriated \$75,546,678.33 before the
20 end of the fiscal year.

21 D. If the appropriated UUFB funds are permitted to lapse at the end of FY2026, the
22 Navajo Nation Broadband Office will lose access to up to \$75,546,678.33 in critical
23 broadband infrastructure funding, including Year 1 funding for 5G deployment, BEAD
24 match contributions, Chapter broadband connectivity, and related projects essential to
25 the Navajo people.

26 E. The loss of this funding would constitute irreparable harm to the Navajo Nation and its
27 people by delaying or preventing the deployment of broadband infrastructure to over
28 31,000 unserved and underserved locations across the Navajo Nation, impairing access
29 to telehealth, education, public safety, and economic development services.

30 F. The BEAD program has awarded subgrantee agreements to the Navajo Nation totaling
\$286,969,138.52 in federal broadband funding, as follows: Arizona \$148,635,859.10

(fully approved); New Mexico \$111,781,009.00 (fully approved); Utah \$26,552,270.42 (fully approved).

G. A September 22, 2026 Navajo Department of Justice memorandum is labeled "confidential" and is attached as **Exhibit B**. Confidential exhibits are not posted on the website or otherwise released pursuant to 2 N.N.C. § 164 (A)(6).

H. This matter satisfies the requirements for emergency legislation. The combined risk of UUFB lapse and loss of BEAD federal funding constitutes an emergency that threatens the health, safety, and welfare of the Navajo people and the Nation's capacity to provide direct broadband services, which are an entitlement of the Navajo People, through the development of essential broadband communications infrastructure across the Navajo Nation. Immediate Navajo Nation Council action is required to avert these harms. This matter arises from a pressing public need and requires final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(16).

SECTION THREE. AMENDING COUNCIL RESOLUTION CJY-33-26, SECTION FIVE (E), TO CLARIFY THE UUFB LAPSE DATE

A. CJY-33-26, Section Five (E), is hereby amended as follows (new language underlined and deleted language in strikethrough):

E. The portion of the \$75,546,678.33 from the UUFB that remains unspent and unencumbered at the end of the Navajo Nation ~~fiscal year~~ Fiscal Year 2027 shall lapse and revert to the General Fund pursuant to 12 N.N.C. § 820(N).

B. All other provisions of Navajo Nation Council Resolution CJY-33-26 remain in full force and effect and are not amended by this Section.

SECTION FOUR. DIRECTIVES

A. The Navajo Nation Broadband Office shall take all necessary and expeditious steps to encumber the \$75,546,678.33 UUFB appropriation approved under Council Resolution CJY-33-26 as soon as practicable and no later than the end of Navajo Nation Fiscal Year 2027, in accordance with applicable Navajo Nation procurement and financial laws.

B. The Office of the Controller shall take all necessary administrative steps to clarify the UUFB appropriation lapse date as provided in Section Three of this Resolution and to

1 ensure the appropriated funds remain available to the Navajo Nation Broadband Office
2 through the end of Fiscal Year 2027.

- 3 C. The Navajo Nation Broadband Office shall provide a written progress report to the
4 Resources and Development Committee and the Budget and Finance Committee within
5 thirty (30) calendar days of the effective date of this Resolution, and quarterly thereafter,
6 regarding the encumbrance and expenditure of UUFB funds and the status of BEAD Grant
7 Program contracts.

8 **SECTION FIVE. EFFECTIVE DATE**

9 This Action shall become effective in accordance with 2 N.N.C. §§ 164(A)(17), 221
10 (B), and 1005(C)(10)-(11).

11
12 **SECTION SIX. SAVING CLAUSE**

13 If any provision of this Action is determined invalid by the Supreme Court of the
14 Navajo Nation, or by a Navajo Nation District Court without appeal to the Navajo
15 Nation Supreme Court, the remainder of this Action shall remain the law of the Navajo
16 Nation.