THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: 0273-26 **SPONSOR: Andy Nez**

TITLE: **An Action Relating to the Naabik'íyáti' Committee; Opposing the Use of Samples and Data from the Navajo Participants In New All of Us Research Program Initiatives Until a Framework is Developed Through Consultation; and Approving the Navajo Nation's Written Testimony on the National Institute of Heath Tribal Consultations**

Date posted: **November 13, 2026 at 7:54 PM**

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0273-26

DATE: November 13, 2026

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; OPPOSING THE USE OF SAMPLES AND DATA FROM NAVAJO PARTICIPANTS IN NEW ALL OF US RESEARCH PROGRAM INITIATIVES UNTIL A FRAMEWORK IS DEVELOPED THROUGH CONSULTATION; AND APPROVING THE NAVAJO NATION'S WRITTEN TESTIMONY ON THE NATIONAL INSTITUTES OF HEALTH TRIBAL CONSULTATIONS

PURPOSE: This legislation, if approved, would approve the Navajo Nation's written testimony on the National Institutes of Health tribal consultations, authorize its submission to NIH, and oppose the use of samples and data from Navajo participants in new All of Us Research Program initiatives until a framework is developed through consultation.

FINAL AUTHORITY: Naabik'íyáti' Committee

VOTE REQUIRED: Simple Majority Vote

This written summary does not address amendments as may be proposed before the Budget and Finance Committee. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: AM Nov-TH
Website Posting Time/Date: _____
Posting End Date: 11-18-26
Eligible for Action: 11-19-26

PROPOSED STANDING COMMITTEE RESOLUTION

25th NAVAJO NATION COUNCIL—Fourth Year, 2026

Introduced by:

Primary Sponsor

Tracking No. 0273-26

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; OPPOSING THE USE OF SAMPLES AND DATA FROM NAVAJO PARTICIPANTS IN NEW ALL OF US RESEARCH PROGRAM INITIATIVES UNTIL A FRAMEWORK IS DEVELOPED THROUGH CONSULTATION; AND APPROVING THE NAVAJO NATION'S WRITTEN TESTIMONY ON THE NATIONAL INSTITUTES OF HEALTH TRIBAL CONSULTATIONS

WHEREAS:

A. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council empowered to coordinate with all committees the appearance and testimony of the Navajo Nation before federal, state and other non-Navajo government entities, and to review and continually monitor the programs and activities of federal departments through the intergovernmental relationships between the Navajo Nation and those departments. 2 N.N.C. §§ 700(A), 701(A)(7) and 701(A)(8).

B. On October 1, 2026, the National Institutes of Health published a notice of tribal consultations and a listening session, FR Doc. 2026-20151, and on October 19 and 20, 2026, it held tribal consultations on two new initiatives of the All of Us Research Program and on proposed revisions to the renewal of the Resource Center for Tribal Epidemiological Centers initiative of the National Institute on Minority Health and

together with a listening session on the NIH Tribal Data Sovereignty Policy. NIH will accept written tribal testimony through November 20, 2026. The Federal Register Vol. 91, No. 189 notice is attached as **Exhibit A**.

C. The United States has a trust responsibility to the Navajo Nation and obligations under the Treaty of 1868, and it must honor those obligations, including through meaningful government-to-government consultation, whenever it acts in ways that affect the Navajo Nation and its people.

D. Research involving the Navajo people within the Navajo Nation's jurisdiction is governed by the Navajo Nation Human Research Code, 13 N.N.C. § 3251 et seq., and reviewed by the Navajo Nation Human Research Review Board. In April 2002, the Navajo Nation adopted a moratorium on genetic research studies within its jurisdiction until the Navajo Nation Council amends the Human Research Code, and the moratorium remains in place while the Genetics Policy Development Working Group of the Naabik'íyáti' Committee develops a genetic research policy.

E. One of the new All of Us initiatives would allow researchers outside NIH to apply for access to current participants' samples, including samples from self-identified American Indian and Alaska Native participants, and the other would add a level of sensitive participant data whose use requires review by an Institutional Review Board.

F. In 2021, the All of Us Research Program committed not to recruit on tribal lands, and not to disclose participants' tribal affiliations, without the agreement of the Tribe. By letter to Tribal leaders dated July 7, 2026, attached as **Exhibit C**, and an accompanying framing letter, attached as **Exhibit D**, the program announced an earlier consultation on the same initiatives and stated that biospecimens from self-identified American Indian and Alaska Native participants are currently excluded from new studies and would remain excluded while tribal consultation continues.

G. Institutional Review Board review protects individual participants but does not protect a Tribe from harms to the Tribe as a whole, and genetic research on samples from Navajo participants would conflict with the Navajo Nation's moratorium unless the Navajo Nation Human Research Review Board has approved it.

H. The Navajo Epidemiology Center, operated by the Navajo Department of Health, is one of the Tribal Epidemiology Centers that the Resource Center for Tribal Epidemiological Centers supports, and the Navajo Nation supports the renewal of that initiative.

I. NIH has stated that the listening session was not a tribal consultation on the Tribal Data Sovereignty Policy and that it will conduct a separate tribal consultation before the policy is finalized.

J. The Navajo Nation values research that improves the health of the Navajo people when that research is conducted with the Navajo Nation's approval and in keeping with its laws.

K. The Navajo Nation has developed written testimony, which (i) supports NIH's stated objectives and the renewal of the Resource Center for Tribal Epidemiological Centers initiative; (ii) opposes making samples and data from Navajo participants available through the new All of Us initiatives before a framework has been developed through government-to-government consultation; (iii) asks NIH to require tribal approval for genetic research on samples from Navajo participants and for the analysis of data by tribal affiliation; and (iv) offers principles for the NIH Tribal Data Sovereignty Policy, attached as **Exhibit B**.

L. It is in the best interest of the Navajo Nation to approve and adopt the written testimony within **Exhibit B** and to authorize its submission to NIH for inclusion in the record of the tribal consultations.

NOW THEREFORE, BE IT RESOLVED:

A. The Navajo Nation hereby approves and adopts the written testimony of the Navajo Nation on the tribal consultations announced in FR Doc. 2026-20151, attached as **Exhibit B**, and authorizes its submission to the Director of the National Institutes of Health and the Director of the NIH Tribal Health Research Office for inclusion in the record of those consultations.

B. The Navajo Nation opposes making samples or data from Navajo participants available through the All of Us biospecimen initiative or the new sensitive data tier

until a framework has been developed through government-to-government consultation, and calls on NIH to make no samples or data from participants who identify as Navajo available for genetic research unless the Navajo Nation Human Research Review Board has approved the research.

C. The Navajo Nation supports the renewal of the Resource Center for Tribal Epidemiological Centers initiative and requests government-to-government consultation with the Navajo Nation before NIH finalizes the Tribal Data Sovereignty Policy.

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