THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: 0274-26 **SPONSOR: Andy Nez**

TITLE: **An Action Relating to the Naabik'íyáti' Committee; Supporting the Proposed Recognition of Indian Tribes in the United States Department of Education's Supplemental Grant Priorities, with Changes; and Approving the Navajo Nation's Comments on the Proposed Priorities**

Date posted: **November 13, 2026 at 7:57 PM**

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0274-26

DATE: November 13, 2026

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING THE PROPOSED RECOGNITION OF INDIAN TRIBES IN THE UNITED STATES DEPARTMENT OF EDUCATION'S SUPPLEMENTAL GRANT PRIORITIES, WITH CHANGES; AND APPROVING THE NAVAJO NATION'S COMMENTS ON THE PROPOSED PRIORITIES

PURPOSE: This legislation, if approved, would support, with changes, the Department of Education's proposed recognition of Indian Tribes in its supplemental grant priorities, approve the Navajo Nation's comments on the proposed priorities, and authorize their submission to the Secretary of Education.

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.

PROPOSED STANDING COMMITTEE RESOLUTION

25th NAVAJO NATION COUNCIL—Fourth Year, 2026

Introduced by:

[signature]

Primary Sponsor

Tracking No. 0274-26

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING THE PROPOSED RECOGNITION OF INDIAN TRIBES IN THE UNITED STATES DEPARTMENT OF EDUCATION'S SUPPLEMENTAL GRANT PRIORITIES, WITH CHANGES; AND APPROVING THE NAVAJO NATION'S COMMENTS ON THE PROPOSED PRIORITIES

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 November 5, 2026, the United States Department of Education proposed amendments to four notices of the Secretary's Supplemental Priorities and Definitions for discretionary grant programs, 91 Fed. Reg. 69,736, Docket ID ED-2026-OS-3169, with comments due December 7, 2026. The proposal 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. The Department uses these priorities to give competitive preference in its discretionary grant competitions, including competitions for projects that serve Navajo students in public schools, Bureau of Indian Education-funded schools and tribally controlled schools in Arizona, New Mexico and Utah. The Navajo Nation exercises its authority over the education of its students through the Navajo Sovereignty in Education Act of 2005 and the Navajo Nation Department of Diné Education.

E. The proposed amendments would expressly recognize Indian Tribes, Tribal organizations and Tribal educational agencies in several priorities, including entities identified, designated or endorsed by the highest-ranking elected official of an Indian Tribe, and the Department has explained that recognizing such entities further recognizes the sovereignty of Tribal nations.

F. Tribal governments allocate authority over education in different ways, and some, including the Navajo Nation, have created education boards and agencies under their own law, so the Department should defer to each Tribe's law on who acts for the Tribe in education matters.

G. By a Dear Tribal Leader Letter, attached as **Exhibit C**, the Department invited Tribal leaders to a consultation on August 27, 2026 on its fiscal year 2027 grantmaking priorities, including the Secretary's Supplemental Priorities, but the proposal does not mention Executive Order 13175 or describe consultation on these amendments.

H. The Navajo Nation has developed written comments on the proposal, which (i) support the proposed amendments that recognize Indian Tribes, Tribal organizations and Tribal educational agencies; (ii) ask the Department to recognize entities endorsed by another official or body authorized by a Tribe's own law; (iii) ask that applicants proposing to serve students on tribal lands coordinate with the Tribal educational agency of the Tribe concerned; and (iv) request consultation before the priorities are finalized, attached as **Exhibit B**.

I. It is in the best interest of the Navajo Nation to support the proposed recognition of Indian Tribes in the Secretary's Supplemental Priorities with the changes described in **Exhibit B**, to approve and adopt those comments, and to authorize their submission to the Secretary of Education for inclusion in the record of Docket ID ED-2026-OS-3169.

NOW THEREFORE, BE IT RESOLVED:

A. The Navajo Nation hereby supports the proposed amendments that recognize Indian Tribes, Tribal organizations and Tribal educational agencies in the Secretary's Supplemental Priorities, approves and adopts the comments of the Navajo Nation on the proposal, attached as **Exhibit B**, and authorizes the submission of those comments to the Secretary of Education for inclusion in the record of Docket ID ED-2026-OS-3169.

B. The Navajo Nation calls on the Department to amend paragraph (f) of the Returning Education to the States priority to recognize entities identified, designated or endorsed by another official or body authorized by the law of an Indian Tribe, in addition to the Tribe's highest-ranking elected official.

C. The Navajo Nation requests government-to-government consultation under Executive Order 13175 before the Department finalizes the priorities and applies them in competitions that affect tribal communities.

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.