

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0215-24_

SPONSOR: Crystalayne Curley

TITLE: An Action Relating to Resources and Development and Naabik'iyáti' Committees; Supporting United States Congressional Bill H.R. 7859 Titled the "Tribal Environmental Resiliency Resources Act: (Or "Terra Act"); Opposing H.R. 7859's Definition of "Indian Tribe"

Date posted: September 20, 2024 at 7:15PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0215-24

DATE: September 20, 2024

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES; SUPPORTING UNITED STATES CONGRESSIONAL BILL H.R. 7859 TITLED THE "TRIBAL ENVIRONMENTAL RESILIENCY RESOURCES ACT" (OR "TERRA ACT"); OPPOSING H.R. 7859's DEFINITION OF "INDIAN TRIBE"

PURPOSE: The purpose of this legislation is to support United States Congressional Bill H.R. 7859 the "Tribal Environmental Resiliency Resources Act" or "TERRA Act", but opposing the definition of "Indian Tribe" contained at Section 3, Subsection 7 of the TERRA Act; the Navajo Nation urges the United States Congress to use the definition of "Indian Tribe" found at 25 U.S.C. § 5130.

Final Authority: Naabik'iyáti Committee

Vote Required: Simple Majority

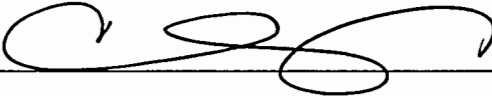
This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each Council Delegate to review the proposed resolution in detail.

OLC No. 24-277-1

5-DAY BILL HOLD PERIOD 4 Mike TB
Website Posting Time/Date _____
Posting End Date: 09/25/24
Eligible for Action: 09/26/24

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 25th NAVAJO NATION COUNCIL—Second Year, 2024

3 INTRODUCED BY

4
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6 Primary Sponsor

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8 TRACKING NO. 0215-24

9
10 AN ACTION

11 RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI'
12 COMMITTEES; SUPPORTING UNITED STATES CONGRESSIONAL BILL
13 H.R. 7859 TITLED THE "TRIBAL ENVIRONMENTAL RESILENCY
14 RESOURCES ACT" (OR "TERRA ACT"); OPPOSING H.R. 7859's DEFINITION
15 OF "INDIAN TRIBE"

16
17 **WHEREAS:**

- 18 A. The Navajo Nation established the Naabik'iyáti Committee as a Navajo
19 Nation Council standing committee and as such empowered the Naabik'iyáti
20 Committee to coordinate all requests for information, appearances and
21 testimony relating to proposed county, state and federal legislation impacting
22 the Navajo Nation. 2 N.N.C. §§ 700(A), 701(A)(6).
- 23 B. The Navajo Nation Council established the Resources and Development
24 Committee as a standing committee of the Navajo Nation Council. 2 N.N.C.
25 § 500(A). The Resources and Development Committee exercises oversight
26 authority over environmental protection and natural resources. 2 N.N.C. §
27 500 (C).
- 28 C. The Navajo Nation has a government-to-government relationship with the
29 United States of America, Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.

1 D. On April 2, 2024, Washington Representative Derek Kilmer, along with three
2 (3) co-sponsors, introduced to the 118th Congress H.R. 7859 titled the “Tribal
3 Environmental Resiliency Resources Act” or (the “TERRA Act”), which is
4 herein attached as **Exhibit A**.

5 E. The purpose of the TERRA Act is “to empower Indian Tribes that have
6 reservations, other Tribal lands, or ways of life at risk due to environmental
7 impacts and natural disasters...to integrate funding from multiple eligible
8 Federal programs into comprehensive Plans designed to meet the needs of
9 those Indian Tribes and their communities with respect to preventing or
10 addressing those environmental impacts or natural disasters, including by
11 community-driven relocation, if applicable, while – (1) reducing
12 administrative, reporting, and accounting costs; and (2) serving Tribally
13 determined goals consistent with the policy of self-determination, the unique
14 Government-to-Government relationship between the Government of the
15 United States and the Governments of Indian Tribes, and the unique Federal
16 trust responsibility to Indian Tribes and Indian people assumed by the United
17 States, including Federal agencies.” H.R. 7859 at Section 2.

18 F. The Navajo Nation acknowledges that American Indians and Alaska Natives,
19 including our Navajo people, are disproportionately affected by environmental
20 impacts and other natural disasters.

21 G. The Navajo Nation recognizes that the TERRA Act would benefit the Navajo
22 Nation and all of Indian country as we prepare for a changing climate and
23 resulting environmental impacts and other natural disasters, such as extreme
24 temperatures, extended droughts, and severe wildfires.

25 H. The Navajo Nation supports the TERRA Act’s consolidation and streamlining
26 of federal resources and funds, waiving of cumbersome federal requirements,
27 and support for Tribal sovereignty, to increase the ability of the Navajo Nation
28 and all of Indian country to prepare for and respond to environmental impacts
29 and other natural disasters in ways that work best for our people.
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- 1 I. The Navajo Nation recognizes the utility of creating a federal program housed
2 within the Department of the Interior that establishes federal interagency
3 coordination to support environmental and natural disaster prevention,
4 mitigation, and relief efforts, including relocation efforts.
- 5 J. Section 3, Subsection 7 of the TERRA Act states that the definition of “Indian
6 Tribe” has the meaning given the term in section 4 of the Indian Self-
7 Determination and Education Assistance Act (25 U.S.C. § 5304)(or the
8 “ISDEAA”). This definition states that an “Indian Tribe” is “any Indian tribe,
9 band, nation, or other organized group or community, including any Alaska
10 Native village or regional or village corporation as defined in or established
11 pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), which is
12 recognized as eligible for the special programs and services provided by the
13 United States to Indians because of their status as Indians.”
- 14 K. The Navajo Nation opposes the TERRA Act’s use of the ISDEAA’s definition
15 of “Indian Tribe”.
- 16 L. The Navajo Nation will support a definition of “Indian Tribe” in the TERRA
17 Act that utilizes the definition found at 25 U.S.C. § 5130, defining “Indian
18 Tribe” as “any Indian or Alaska Native tribe, band, nation, pueblo, village or
19 community that the Secretary of the Interior acknowledges to exist as an
20 Indian tribe.”
- 21 M. The Navajo Nation Washington Office has provided an analysis of the
22 TERRA Act, which is attached as **Exhibit B**.
- 23 N. Statements from other tribes in support of the TERRA Act are attached as
24 **Exhibit C**.

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26 **THEREFORE, BE IT RESOLVED:**

- 27 A. The Navajo Nation hereby supports H.R. 7859 (the “TERRA Act”) generally,
28 but opposes the inclusion of the definition of “Indian Tribe” found in 25
29 U.S.C. § 5304.
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B. The Navajo Nation urges the United States Congress to update the definition of “Indian Tribe” in H.R. 7859 to utilize the definition of “Indian Tribe” found in 25 U.S.C. § 5130.

C. The Speaker of the Navajo Nation Council, the President of the Navajo Nation, and their designees, are hereby authorized to advocate for the TERRA Act with the United States Congress and the appropriate federal agencies, consistent with the terms of this Resolution.