

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0011-25

SPONSOR: Eugenia Charles-Newton

**TITLE: An Act Relating to Budget and Finance Committee, Law and Order Committee, and Naabik'iyáti' Committee and Navajo Nation Council; Amending Resolution CAP-24-21, Which Established the Navajo Nation Hashkééjí Nahat'á Béeso Bá Hooghan Fund, Specifically 12 N.N.C. § 2805(A)**

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**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0011-25

**DATE:** January 28, 2025

**TITLE OF RESOLUTION: AN ACT RELATING TO BUDGET AND FINANCE COMMITTEE, LAW AND ORDER COMMITTEE AND NAABIK'IYATI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING RESOLUTION CAP-24-21, WHICH ESTABLISHED THE NAVAJO NATION HASHKÉÉJÍ NAHAT'Á BÁESO BÁ HOOGHAN FUND, SPECIFICALLY 12 N.N.C. § 2805(A)**

**PURPOSE:** The purpose of this proposed resolution is to amend CAP-24-21, which established The Navajo Nation Hashkééjí Nahat'á Báeso Bá Hooghan Fund.

**FINAL AUTHORITY:** Navajo Nation Council

**VOTE REQUIREMENT:** 2/3 vote

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.

5-DAY BILL HOLD PERIOD Al Mike III  
Website Posting Time/Date \_\_\_\_\_  
Posting End Date: 02/09/25  
Eligible for Action: 02/10/25

Budget & Finance Committee  
Thence  
Law & Order Committee  
Thence  
Naabik'iyati' Committee  
Thence  
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
2 25th NAVAJO NATION COUNCIL – Third Year, 2025

3 INTRODUCED BY

4   
5 \_\_\_\_\_  
6 (Prime Sponsor)

7  
8 TRACKING NO. 0011-25

9  
10 AN ACT

11 RELATING TO BUDGET AND FINANCE COMMITTEE, LAW AND ORDER  
12 COMMITTEE AND NAABIK'IYATI' COMMITTEE AND NAVAJO NATION COUNCIL;  
13 AMENDING RESOLUTION CAP-24-21, WHICH ESTABLISHED THE NAVAJO  
14 NATION HASHKÉÉJÍ NAHAT'Á BÁESO BÁ HOOGHAN FUND, SPECIFICALLY 12  
15 N.N.C. § 2805(A)

16  
17 **BE IT ENACTED:**

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19 **SECTION ONE. AUTHORITY**

- 20 A. The Navajo Nation Council is the governing body of the Navajo Nation and empowered  
21 to enact positive law of the Navajo Nation. 2 N.N.C. §§ 102(A) and 164(A).
- 22 B. The Naabik'iyati' Committee of the Navajo Nation Council is empowered to review all  
23 proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C.  
24 § 164(A)(9).
- 25 C. The Budget and Finance Committee of the Navajo Nation Council is empowered to  
26 review and recommend to the Navajo Nation Council the budgeting, appropriation,  
27 investment, and management of all funds. 2 N.N.C. § 301(B)(2).
- 28 D. The Law and Order Committee of the Navajo Nation Council is empowered to provide  
29 oversight over the Judicial Branch of the Navajo Nation and the Navajo Nation  
30 Department of Justice. 2 N.N.C. §§ 601(C)(1) and (2).

1     **SECTION TWO. FINDINGS**

2     A.   In 2014, the Navajo Nation filed a lawsuit against the U.S. Department of the Interior  
3         for violating the Indian Self-Determination and Education Assistance Act, 25 U.S.C.  
4         §§ 450 *et. seq.*, by partially declining the Navajo Nation’s annual funding requests  
5         for the operation of the Navajo Nation Judicial Branch. The U.S. Court of Appeals  
6         on April 2, 2017, and the U.S. District Court for the District of Columbia on June 12,  
7         2020 on ruled in favor of the Navajo Nation. The Navajo Nation was awarded  
8         \$18,279,923.32 including statutory interest to the date of the award.

9     B.   As a result of the federal court decision and award, on April 19, 2021, the Navajo  
10        Nation Council approved Council Resolution CAP-24-21 “RELATING TO BUDGET  
11        AND FINANCE COMMITTEE, LAW AND ORDER COMMITTEE AND  
12        NAABIK'YATI' COMMITTEE AND NAVAJO NATION COUNCIL;  
13        ESTABLISHING THE NAVAJO NATION HASHKÉÉJÍ NAHAT'Á BÁESO BÁ  
14        HOOGHAN BY AMENDING TITLE TWELVE OF THE NAVAJO NATION  
15        CODE; DIRECTING THAT THE AWARD RECEIVED THROUGH *NAVAJO*  
16        *NATION V. DEPARTMENT OF INTERIOR*, NO. 14-cv-1909 (TSC), BE  
17        DEPOSITED IN THE HASHKÉÉJÍ NAHAT'Á BÁESO BÁ HOOGHAN AFTER  
18        REIMBURSEMENT OF LITIGATION COSTS; DIRECTING THAT THE  
19        PROCEEDS FROM FUTURE LITIGATIONS RELATED TO THE JUDICIAL  
20        BRANCH'S P.L. 93-638 CONTRACTS OR ANNUAL FUNDING AGREEMENTS  
21        BE DEPOSITED IN THE HASHKÉÉJÍ NAHAT'Á BÁESO BÁ HOOGHAN;  
22        ESTABLISHING THAT THE FIXED COST LITIGATION ACCOUNT SHALL  
23        BE REIMBURSED FOR LITIGATION COSTS).”

24     C.   Council Resolution CAP-24-21, attached as **Exhibit A**, established the “Hashkééji  
25        Nahat’á Béeso Ba Hooghan” Fund (the “Fund”) to deposit the \$18,279,923.32  
26        including statutory interest to the date of the award, less costs to the litigate the lawsuit.  
27        The Fund was established in 12 N.N.C. §§ 2801 – 2809.

28     D.   To expend the Fund Principal and Interest, the Fund states “[t]he Fund Principal and  
29        Income shall be expended upon recommendation by the Chief Justice of the Navajo  
30        Nation Supreme Court through an annual or multi-year expenditure plan approved by the

1 Law and Order and the Budget and Finance Committees. Any changes or modification  
2 to an approved expenditure plan shall be approved by the Law and Order Committee and  
3 Budget and Finance Committee upon the recommendation of the Chief Justice of the  
4 Navajo Nation.” 12 N.N.C. § 2805(A).

5 E. This legislation is offered amend 12 N.N.C. § 2805(A) to allow the Law and Order  
6 Committee, to independently approve the annual or multi-year expenditure plan, without  
7 the Budget and Finance Committee, upon the recommendation of the Chief Justice of the  
8 Navajo Nation Supreme Court.

9  
10 **SECTION THREE. AMENDING 12 N.N.C. § 2805(A) OF THE NAVAJO NATION**  
11 **HASHKÉÉJÍ NAHAT'Á BÉESO BÁ HOOGHAN**

12 The Navajo Nation hereby amends 12 N.N.C. § 2805(A) of the Hashkééji Nahat'á  
13 Béeso Ba Hooghan, as follows:

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15  
16 **Title 12. FISCAL MATTERS**

17 **CHAPTER 28. NAVAJO NATION HASHKÉÉJÍ NAHAT'Á BÉESO BÁ HOOGHAN**

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19 \*\*\*\*

20 **§ 2805. Expenditure of the Fund**

21 A. The Fund Principal and Income shall be expended upon recommendation by the Chief  
22 Justice of the Navajo Nation Supreme Court through an annual or multi-year expenditure  
23 plan approved by the Law and Order Committee and ~~Budget and Finance Committees~~.  
24 Any changes or modifications to an approved expenditure plan shall be approved by the  
25 Law and Order Committee and ~~Budget and Finance Committee~~ upon the  
26 recommendation of the Chief Justice of the Navajo Nation.

27 \*\*\*\*  
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1 **SECTION FIVE. EFFECTIVE DATE**

2 The provisions of this Act shall become effective upon adoption by a two-thirds (2/3) vote of  
3 all members of the Navajo Nation Council and approval of the President of the Navajo Nation  
4 pursuant to 2 N.N.C. § 164 (A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

5  
6 **SECTION FIVE. CODIFICATION**

7 The provisions of these amendments of the Navajo Nation Code shall be codified by the Office  
8 of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amendments  
9 in the next codification of the Navajo Nation Code.

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11 **SECTION SIX. SAVING CLAUSE**

12 Should any provision of these amendments be determined invalid by the Navajo Nation  
13 Supreme Court, or the District Court of the Navajo Nation without appeal to the Navajo Nation  
14 Supreme Court, those amendments that are not determined invalid shall remain the law of the  
15 Navajo Nation.