LEGISLATION NO: _0251-19______  SPONSOR: Paul Begay

TITLE: An Action Relating To The Naabik’íyáti’ Committee And The Navajo Nation Council; Opposing The Termination Of The Office Of Navajo-Hopi Indian Relocation Pursuant To 25 U.S.C §§ 640D-11(F), As Amended, Until All Of The Duties And Responsibilities In The Act Are Completed Including Unfulfilled Obligations To Relocatees

*Date posted:* August 19, 2019 at 5:22pm

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0251-19

DATE: August 6, 2019


PURPOSE: If approved, this resolution will oppose the termination of the Office of Navajo-Hopi Relocation pursuant to 25 U.S.C. §§ 640D-11(F), as amended, until all of the duties and responsibilities in the Act are completed including unfulfilled obligations to relocatees.

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 STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL—FIRST YEAR, 2019

INTRODUCED BY

[Signature]

Primary Sponsor

TRACKING NO. 0251-19

AN ACTION


WHEREAS:

Section One. Authority

A. The Navajo Nation established the Naabik’iyáti’ Committee as a Navajo Nation Council standing committee. 2 N.N.C. § 700 (A) (2012) see also CJA-03-13.

B. The Naabik’iyáti Committee has the power to coordinate all federal, county and state programs with other standing committees and branches of the Navajo Nation government to provide the most efficient delivery of services to Navajo Nation. 2 N.N.C. § 701(A)(4).

C. The Naabik’iyáti Committee further has the power to review and continually monitor the programs and activities of federal and state departments and to assist development of such programs designed to serve the Navajo People and the Navajo Nation through intergovernmental relationships between the Navajo Nation and such departments. 2 N.N.C. § 701(A)(7).

Section Two. Findings

A. In February 2016, the Office of Navajo-Hopi Indian Relocation ("ONHIR") Executive Director, Christopher Bavasi announced to the House Appropriation Committee that it would be able to close ONHIR at the end of Fiscal Year 2018.

B. Pursuant to the Navajo-Hopi Land Settlement Act of 1974 ("1974 Act"), Sec. 13(2), Congress ordered the preparation and submission of a relocation plan that must, "take into account the adverse social, economic, cultural, and other impacts of relocation on persons involved in such relocation and be developed to avoid or minimize, to the extent possible, such impacts," and "assure that housing and related community facilities and services, such as water, sewers, roads, schools, and health facilities, for such households shall be available at their relocation sites." See Navajo-Hopi Land Settlement Act, Sec. 13(2).

C. Amendments to the Act in 1988 removed the language requiring the preparation of a plan as plans were already developed. As such, the Amendments of 1988 also authorized ONHIR to call upon a department or agency of the United States to assist in carrying out the relocation plan. The Amendment further provides that, if any agency fails to provide reasonable assistance, ONHIR shall report such failure to the Congress. See 25 U.S.C. §§ 640D - 11(F), as amended.

D. In the Commission's 1983 Report and Plan Update, the agency stated that it was still unable to make finite plans because of the non-availability of land selections. But, it also stated its intention to "[i]nitiate coordination efforts to establish joint governmental agency involvement for future relocation to deal with such areas as employment, roads, utilities, and like areas of need." See 25 U.S.C. §§ 640D - 11(F), as amended.

E. ONHIR has never used its authority under the Act to call upon federal agencies to implement the promises of the Relocation Act, never coordinated joint governmental agency involvement to ensure the United States fulfills the promises made in the Relocation Act, and takes the position that it is not required to carry out the promises made to the Navajo Nation or follow through with the plans already created.
F. In February 2016, the President of Navajo Nation created the ONHIR Transition Team who conducted nine (9) public hearings and five (5) public meetings.

G. Public comments were collected which indicated the lack of community infrastructure such as roads, power, water, community centers, utilities to relocate homes, economic development, sewage, and solid waste, as outlined in Exhibit A.

H. The Navajo-Hopi Land Commission passed resolution NHLCJN-4-19 stating the Commission’s opposition to the closing of the Office of Navajo-Hopi Indian Relocation. See NHLCJN-4-19 attached as Exhibit B.

I. It is in Navajo Nation’s best interest to oppose the closure of the Office of Navajo-Hopi Indian Relocation until all the duties are responsibilities are completed including all of the unfilled obligations to relocatees and impacted communities, as outlined in Exhibit A.

NOW THEREFORE, BE IT RESOLVED:

A. The Navajo Nation hereby opposes the closure of the Office of Navajo-Hopi Indian Relocation until all the duties are responsibilities are completed including all of the unfilled obligations to relocatees and impacted communities, as outlined in Exhibit A.

B. The Navajo Nation hereby takes the position that the original obligations in the Navajo-Hopi Land Settlement Act of 1974, Section 13, are still obligations that the Office of Navajo-Hopi Indian Relocation must complete as statutorily mandated as part of the promises made the Navajo people in their agreements to relocation.

C. The Navajo Nation hereby urges the Office of Navajo-Hopi Indian Relocation and the United States Congress to coordinate joint governmental agency action to ensure that the promises made in the Act are fulfilled.

D. The Navajo Nation demands the United States fulfill its trust responsibilities and engage in meaningful consultations with the Navajo Nation before any actions are taken regarding ONHIR.

E. The Navajo Nation hereby authorizes the Speaker of the Navajo Nation Council, President of the Navajo Nation, the Navajo Nation Washington Office, and their
respective designees, to advocate on the behalf of the Navajo Nation to oppose the
closure of the Office of Navajo-Hopi Indian Relocation until all the duties are
responsibilities are completed including all of the unfilled obligations to relocatees
and impacted communities, as outlined in Exhibit A.