

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0251-19_____ SPONSOR: Paul Begay

TITLE: An Action Relating To The Naabik'iyáti' 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

TITLE OF RESOLUTION: 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

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.

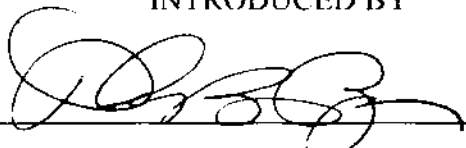
This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD:
Website Posting Time/Date:
Posting End Date: 8-24-19
Eligible for Action: 8-25-19

Naabik'iyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL—FIRST YEAR, 2019

3 INTRODUCED BY

4 
5

6 Primary Sponsor

7 TRACKING NO. 0251-19

8
9 AN ACTION

10 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION
11 COUNCIL; OPPOSING THE TERMINATION OF THE OFFICE OF NAVAJO-HOPI
12 INDIAN RELOCATION PURSUANT TO 25 U.S.C. §§ 640D – 11(F), AS AMENDED.
13 UNTIL ALL OF THE DUTIES AND RESPONSIBILITIES IN THE ACT ARE
14 COMPLETED INCLUDING UNFULFILLED OBLIGATIONS TO RELOCATEES
15

16 WHEREAS:

17 **Section One. Authority**

- 18 A. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation
19 Council standing committee. 2 N.N.C. § 700 (A) (2012) *see also* CJA-03-13.
20 B. The Naabik'iyáti' Committee has the power to coordinate all federal, county and state
21 programs with other standing committees and branches of the Navajo Nation
22 government to provide the most efficient delivery of services to Navajo Nation. 2
23 N.N.C. § 701(A)(4).
24 C. The Naabik'iyáti' Committee further has the power to review and continually monitor
25 the programs and activities of federal and state departments and to assist development
26 of such programs designed to serve the Navajo People and the Navajo Nation through
27 intergovernmental relationships between the Navajo Nation and such departments. 2
28 N.N.C. § 701(A)(7).
29 D. The Navajo Nation has a government-to-government relationship with the United
30 States of America, Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.

1 **Section Two. Findings**

- 2 A. In February 2016, the Office of Navajo-Hopi Indian Relocation (“ONHIR”)
3 Executive Director, Christopher Bavasi announced to the House Appropriation
4 Committee that it would be able to close ONHIR at the end of Fiscal Year 2018.
- 5 B. Pursuant to the Navajo-Hopi Land Settlement Act of 1974 (“1974 Act”), Sec. 13(2),
6 Congress ordered the preparation and submission of a relocation plan that must, “take
7 into account the adverse social, economic, cultural, and other impacts of relocation on
8 persons involved in such relocation and be developed to avoid or minimize, to the
9 extent possible, such impacts,” and “assure that housing and related community
10 facilities and services, such as water, sewers, roads, schools, and health facilities, for
11 such households shall be available at their relocation sites.” *See Navajo-Hopi Land
12 Settlement Act, Sec. 13(2).*
- 13 C. Amendments to the Act in 1988 removed the language requiring the preparation of a
14 plan as plans were already developed. As such, the Amendments of 1988 also
15 authorized ONHIR to call upon a department or agency of the United States to assist
16 in carrying out the relocation plan. The Amendment further provides that, if any
17 agency fails to provide reasonable assistance, ONHIR shall report such failure to the
18 Congress. *See 25 U.S.C. §§ 640D - 11(F), as amended.*
- 19 D. In the Commission’s 1983 Report and Plan Update, the agency stated that it was still
20 unable to make finite plans because of the non-availability of land selections. But, it
21 also stated its intention to “[i]nitiate coordination efforts to establish joint
22 governmental agency involvement for future relocation to deal with such areas as
23 employment, roads, utilities, and like areas of need.” *See 25 U.S.C. §§ 640D – 11(F),
24 as amended.*
- 25 E. ONHIR has never used its authority under the Act to call upon federal agencies to
26 implement the promises of the Relocation Act, never coordinated joint governmental
27 agency involvement to ensure the United States fulfills the promises made in the
28 Relocation Act, and takes the position that it is not required to carry out the promises
29 made to the Navajo Nation or follow through with the plans already created.

- 1 F. In February 2016, the President of Navajo Nation created the ONHIR Transition
2 Team who conducted nine (9) public hearings and five (5) public meetings.
- 3 G. Public comments were collected which indicated the lack of community infrastructure
4 such as roads, power, water, community centers, utilities to relocate homes, economic
5 development, sewage, and solid waste, as outlined in **Exhibit A**.
- 6 H. The Navajo-Hopi Land Commission passed resolution NHL CJN-4-19 stating the
7 Commission's opposition to the closing of the Office of Navajo-Hopi Indian
8 Relocation. *See* NHL CJN-4-19 attached as **Exhibit B**.
- 9 I. It is in Navajo Nation's best interest to oppose the closure of the Office of Navajo-
10 Hopi Indian Relocation until all the duties are responsibilities are completed
11 including all of the unfilled obligations to relocatees and impacted communities, as
12 outlined in **Exhibit A**.

13
14 NOW THEREFORE, BE IT RESOLVED:

- 15 A. The Navajo Nation hereby opposes the closure of the Office of Navajo-Hopi Indian
16 Relocation until all the duties are responsibilities are completed including all of the
17 unfilled obligations to relocatees and impacted communities, as outlined in **Exhibit**
18 **A**.
- 19 B. The Navajo Nation hereby takes the position that the original obligations in the
20 Navajo-Hopi Land Settlement Act of 1974, Section 13, are still obligations that the
21 Office of Navajo-Hopi Indian Relocation must complete as statutorily mandated as
22 part of the promises made the Navajo people in their agreements to relocation.
- 23 C. The Navajo Nation hereby urges the Office of Navajo-Hopi Indian Relocation and the
24 United States Congress to coordinate joint governmental agency action to ensure that
25 the promises made in the Act are fulfilled.
- 26 D. The Navajo Nation demands the United States fulfill its trust responsibilities and
27 engage in meaningful consultations with the Navajo Nation before any actions are
28 taken regarding ONHIR.
- 29 E. The Navajo Nation hereby authorizes the Speaker of the Navajo Nation Council,
30 President of the Navajo Nation, the Navajo Nation Washington Office, and their

1 respective designees, to advocate on the behalf of the Navajo Nation to oppose the
2 closure of the Office of Navajo-Hopi Indian Relocation until all the duties are
3 responsibilities are completed including all of the unfilled obligations to relocatees
4 and impacted communities, as outlined in **Exhibit A.**

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