

RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE
24th NAVAJO NATION COUNCIL -- Third Year, 2021

AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; REQUESTING THE PRESIDENT OF THE UNITED STATES, JOSEPH BIDEN, TO APPOINT A COMMISSIONER TO OVERSEE THE OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

WHEREAS:

1. The United States Congress enacted the Navajo and Hopi Indian Land Settlement Act of 1974 (P.L. 93-531, as amended by P.L. 112-166) ("1974 Act") on December 22, 1974. The 1974 Act has had a devastating impact on the Navajo People as the law ultimately forced the relocation of residents from their ancestral lands.
2. In 1980, the Navajo Nation Council created the Navajo-Hopi Land Commission to oversee land selection and land exchange activities mandated by federal law.
3. Litigation between the Navajo and Hopi tribes resulted in development restrictions on 1.5 million acres of land under dispute. This acreage is known as the "Bennett Freeze Area." In 2009, after forty-three (43) long years, the restriction on development was formally repealed, but the devastation remains.
4. The Office of Navajo and Hopi Indian Relocation (ONHIR) was established by federal law for the purpose of overseeing the relocation of approximately sixteen thousand (16,000) Navajos from their ancestral lands. Under the 1974 Act, which established ONHIR, the federal government promised that the implementation of relocation 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." P.L. 93-531, Sec. 13(c)(2) and (c)(3).
5. Despite the promises made by Congress in the 1974 Act, the federal program of relocation has and continues to have a devastatingly harsh impact on the families and communities affected.


6. For the past twenty-seven (27) years, the federal government has failed to appoint an ONHIR Commissioner as required under the 1974 Act. A Commissioner is necessary for purposes of coordinating a multi-agency approach to address the continuing harsh realities caused by the federal government's program of relocating Navajo families.
7. As set forth in NHLCAP-03-2021, attached as **Exhibit A**, the Navajo-Hopi Land Commission implores President Joseph Biden to appoint a Commissioner to oversee the Office of Navajo and Hopi Indian Relocation as a priority matter.

NOW THEREFORE BE IT RESOLVED THAT:

The Navajo Nation supports the Navajo-Hopi Land Commission in its urgent request that President Joseph Biden exercise his authority as President of the United States pursuant to federal to appoint a Commissioner to oversee the Office of Navajo and Hopi Indian Relocation.

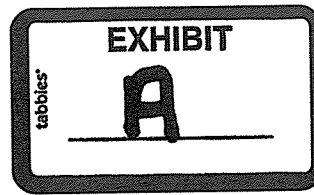
CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 24th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 18 in Favor, and 00 Opposed, on this 12th day of August 2021.


Honorable Seth Damon, Chairman
Naabik'íyáti' Committee
Aug 17, 2021
Date

Motion: Honorable Eugenia Charles-Newton
Second: Honorable Otto Tso

Chairman Seth Damon not voting



NHLCAP-03-2021

RESOLUTION OF THE NAVAJO-HOPI LAND COMMISSION

24th NAVAJO NATION COUNCIL – Third Year, 2021

**The Navajo-Hopi Land Commission of the Navajo Nation Council
Requests United States President Joseph Biden to Appoint a
Commissioner to Oversee the Office of Navajo and Hopi Indian
Relocation and to Ensure that All Federal Promises are Kept**

WHEREAS:

1. Pursuant to 2 N.N.C. §851(A), the Navajo-Hopi Land Commission (NHLC) is established within the Legislative Branch of the Navajo Nation Government; and
2. Pursuant to 2 N.N.C. § 853(8)(1), the Navajo-Hopi Land Commission of the Navajo Nation Council ("NHLC") is authorized to advise the President of the Navajo Nation concerning all matters relating to land use conflicts between the Navajo Nation and the Hopi Tribe, and any claimants in and to lands within the areas described in the Act of June 14, 1934 (48 Stat. 960); and
3. Pursuant to Navajo Nation Council Resolution CN-69-80, the Navajo Nation Council delegated to the NHLC authority to speak and act for the Navajo Nation with respect to the land selections and land exchange provisions of Navajo-Hopi Indian Relocation Amendments Act of 1980, Public Law 96-305 (hereinafter referred to as "Act"); and
4. On December 22, 1974, the United State Congress passed the Navajo and Hopi Indian Land Settlement Act of 1974, P.L. 93-531, as amended, which authorized litigation between the Tribes and ultimately resulted in the division of the Former Joint Use Area between the Navajo Nation and the Hopi Tribe; and
5. The Act established an agency, now known as the Office of Navajo and Hopi Indian Relocation ("ONHIR"), responsible for carrying out the relocation of some 16,000 Navajos off their ancestral lands, and for the fulfillment of promises made by the United States that this would be a "generous relocation program to minimize the adverse social, economic, and cultural impacts of relocation on affected tribal members and to avoid any repetition of the unfortunate results of a number of early, official Indian relocation efforts"; and
6. The relocation process and the construction freezes caused great harm to the Relocateses, their families and the impacted communities, which continues to this day; and

7. ONHIR is authorized to call upon any department or agency of the United States to assist in carrying out the relocation plan, but has failed to do so despite noting in its 1983 Report and Plan Update, 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"; and
8. The Act provides that ONHIR shall be overseen by a Commissioner, but there has been no commissioner in place for the past 25 years and, as a result, the agency has failed to carry out its mission.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo-Hopi Land Commission of the Navajo Nation Council calls upon United States President Joseph Biden to nominate a Commissioner for the Office of Navajo and Hopi Indian Relocation, as mandated by the Navajo-Hopi Indian Relocation Amendments Act.
2. The Commissioner must be tasked with addressing the unmet needs and unfulfilled promises of the Navajo and Hopi Indian Land Settlement Act of 1974, P.L. 93- 531, as amended, including coordinating a multi-agency effort to address the ongoing harsh impacts of the relocation process and related construction freezes.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo-Hopi Land Commission at a duly called meeting teleconference headquartered at Window Rock, Navajo Nation (Arizona) at which a quorum was present through teleconference and that the same was passed by a vote of 7 in favor, 0 opposed, on this 15 day of April, 2021.


Honorable Raymond Smith, Jr.
Chairperson Pro Tem
Navajo-Hopi Land Commission

Motion: Honorable Jimmy Yellowhair
Second: Honorable Kee Allen Begay, Jr.

NAVAJO NATION

1033

8/12/2021

Naa'bik'iyati' Committee Regular Meeting

11:20:53 AM

Amd# to Amd#	Consent Agenda: Legislations	PASSED
MOT Charles-Newton	0117-21; 0118-21; 0121-21;	
SEC Tso, O	0122-21 and 0107-21	

Yeas : 18

Nays : 0

Excused : 3

Not Voting : 2

Yea : 18

Begay, K	Daniels	Smith	Tso, O
Begay, P	Freeland, M	Tso, C	Wauneka, E
Brown	Henio, J	Tso, D	Yazzie
Charles-Newton	Nez, R	Tso, E	Yellowhair
Crotty	Slater, C		

Nay : 0

Excused : 3

Walker, T	Stewart, W	Halona, P
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Not Voting : 2

James, V	Begay, E
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Presiding Speaker: Damon