

MEMORANDUM OF UNDERSTANDING

between the

**OFFICE OF NAVAJO and
HOPI INDIAN RELOCATION**

and the

**UNITED STATES
DEPARTMENT of the INTERIOR**

Article 1. PARTIES

This Memorandum of Understanding (MOU) is entered into by the Office of Navajo and Hopi Indian Relocation (ONHIR), an independent entity in the executive branch, and the United States Department of the Interior (DOI). Based on the understanding that ONHIR will terminate as of September 30, 2026, this MOU describes how the Parties will cooperate to ensure performance of ONHIR's remaining statutorily required functions and responsibilities as to the certified relocation applications and appeals pending with ONHIR as of the date of this MOU.

Article 2. AUTHORITY

The authorities for ONHIR and DOI to enter into the agreement are:

(1) The Economy Act, 31 U.S.C. § 1535, which provides that an agency may place an order with a major organizational unit within the same agency or another agency for goods or services if:

- (A) Amounts are available;
- (B) The ordering agency decides the order is in the best interest of the United States Government;
- (C) The agency to fill the order is able to provide or get by contract the ordered goods or services; and
- (D) The agency decides ordered goods or services cannot be provided by contract as conveniently or cheaply by a commercial enterprise (payments must be made on the basis of the actual cost of goods or services provided).

(2) The Navajo Hopi Land Settlement Act of 1974, Pub. L. 93-531, § 12(e), as amended, which authorizes ONHIR to call upon any department or agency of the United States to assist it in implementing the Act's relocation plan.

Article 3. ECONOMY ACT FINDINGS

ONHIR warrants that it will make its funding available to DOI for the purpose or carrying out this agreement, that this agreement is in the best interest of the United States Government, and that the services requested cannot be provided by contract as conveniently or cheaply by a commercial enterprise.

DOI warrants that it is able to provide the requested services.

Article 4. PURPOSE AND OBJECTIVE

The Settlement Act established ONHIR as an independent agency in the executive branch for the purpose of implementing the Act's relocation functions. These functions include determining eligibility for relocation services and managing litigation arising from its activities, including appeals of eligibility determinations. ONHIR anticipates that it shall cease to exist as of September 30, 2026. However, ONHIR's management will retire before then, effective September 30, 2025. ONHIR seeks DOI's expertise and assistance to ensure continuity of its functions and responsibilities relating to certified relocation applications and appeals pending with ONHIR between September 30, 2025 and September 30, 2026.

DOI is well-suited to provide the requested assistance to ONHIR. The Secretary of the Interior (Secretary) is charged with the supervision of public business relating to Indians, 43 U.S.C. § 1457, and may delegate, from time to time, his powers and duties under the laws governing Indian affairs to the assistant secretaries or to the officer in charge of any branch, division, office, or agency of the Bureau of Indian Affairs insofar as such powers and duties relate to action in individual cases arising under general regulations promulgated by DOI pursuant to law. 25 U.S.C. § 1a. The Navajo Hopi Land Settlement Act of 1974 (Settlement Act), which established ONHIR, also provides the Secretary with certain responsibilities. These include taking title to certain lands into trust for the benefit of the Navajo Nation, Pub. L. 93-531, § 11; taking such action as may be necessary to assure the protection, until relocation, of the rights and property of individuals subject to relocation under the Settlement Act, Pub. L. 93-531, § 10(c), and charging the Bureau of Indian Affairs with responsibility for administering certain grazing and range restoration matters on Navajo Nation lands. Pub. L. 93-531, § 10(e). Additionally, DOI employees are available to serve either as detailees or in their existing capacities to fulfill ONHIR's remaining statutory functions.

This agreement provides the framework for such work and ensures the utilization of available ONHIR funding for purposes of completing ONHIR's remaining statutory functions prior to its termination.

Article 5. DELEGATION OF AUTHORITY

On or before September 30, 2025, the Executive Director of ONHIR shall delegate his authority for ONHIR's functions and responsibilities relating to ONHIR's pending certified relocation applications and appeals to the Secretary or his designee. Thereafter, the Secretary or his designee shall exercise the delegated authority of the ONHIR Executive Director to fulfill ONHIR's functions and responsibilities with respect to all pending certified relocation applications and appeals.

In the absence of an appointed Commissioner, the ONHIR Executive Director is currently vested with the statutory authority to carry out ONHIR's functions. Upon the retirement of the entirety of ONHIR's staff and until a Director is appointed or other staff hired, there will be no official(s) authorized to fulfill ONHIR's duties. Accordingly, the Agreement, as evidenced by the Executive Director's signature, shall constitute a delegation of any necessary ONHIR Settlement

Act statutory authority for the Secretary or his designee(s) to complete the work necessary for proper termination of ONHIR's functions.

In addition to the authority to fulfill any operational or administrative tasks needed to process ONHIR's remaining actions, this delegation expressly incorporates the authority for Interior employees to make final substantive decisions relating to inherently federal functions, including regarding final decisions on commitment of funding and claim settlement and adjudication. Any such final decisions, however, will be performed only by an Interior employee who is on a detail assignment to ONHIR and who has been specifically designated to finalize such decisions. This delegation will lapse in the event of appointment of a new Director prior to ONHIR's termination.

Article 6. KEY OFFICIALS / PROJECT OFFICERS

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Office of Navajo and Hopi Indian Relocation
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928-779-2721

Bryan K. Mercier
Director
Bureau of Indian Affairs
U.S. Department of the Interior
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202-934-4075

Article 7. TRANSFER OF FUNDS

ONHIR agrees to process a transfer of its remaining available fund balances to DOI as soon as possible, provided, however, that "available fund balances" does not include ONHIR's appropriated funds needed to make payments to ONHIR's current employees with respect to payment for time worked and currently unpaid, earned annual leave, including restored annual leave, and any other payments due or which become due to ONHIR's current staff upon their retirement, all of which payments shall be made as soon as possible.

Article 8. DURATION OF AGREEMENT

This MOU will become effective when signed by all parties. The MOU will terminate not later than September 30, 2026, and may be amended at any time by mutual consent of the parties. Either party may terminate this agreement by providing thirty (30) days advance written notice to the other party.

Article 9. RESOLUTION OF DISAGREEMENTS


Nothing herein is intended to conflict with current ONHIR or DOI directives. If the terms of this agreement are inconsistent with existing directives of either of the parties entering into this agreement, then those portions of this agreement which are determined to be inconsistent shall be invalid, but the remaining terms and conditions not affected by the inconsistency shall remain in

full force and effect. At the first opportunity for review of the agreement after such an inconsistency has been determined, all necessary changes will be accomplished either by an amendment to this agreement or by entering into a new agreement, whichever is deemed expedient to the interest of both parties.

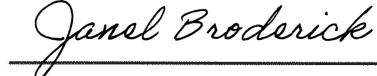
Should disagreement arise on the interpretation of the provisions of this agreement, or amendments and/or revisions thereto, that cannot be resolved at the operating level, the area(s) of disagreement shall be stated in writing by each party and presented to the other party for consideration. If agreement on interpretation is not reached within thirty days, the parties shall forward the written presentation of the disagreement to respective higher officials for appropriate resolution.

Article 10. ACCEPTANCE

The undersigned commit themselves, their successors, and their agencies to abide by the provisions in the Interagency Agreement.

 Date: 9/30/25

Christopher J. Bavasi
Executive Director
Office of Navajo and Hopi Indian Relocation

 Date: 9/30/25

Janel Broderick
Principal Deputy Assistant Secretary – Indian Affairs
Exercising the Delegated Authority of the Assistant Secretary – Indian Affairs
U.S. Department of the Interior