Navajo Nation Comments on Transition upon Closure of the Office of Navajo Hopi Indian Relocation

The Navajo Nation is the largest Native American tribe in the United States, encompassing over 17.5 million acres, or 27,000 square miles across rural Arizona, New Mexico, and Utah. The Nation has over 400,000 tribal citizens, half of whom reside on the reservation. Approximately 150,000 Navajos reside in Arizona many of whom have been impacted by the forced relocation carried out by the federal government as part of the Navajo Hopi Land Settlement Act of 1974. In 1868, the United States made a treaty with the Nation, pledging to provide healthcare, education, agricultural support, and to promote the general welfare of the Navajo people indefinitely. Consequently, the U.S. government is both legally and morally obligated by this treaty and a sacred trust and it is with these obligations in mind that we engage in this consultation.

Background

In 1882, at the request of the local Bureau of Indian Affairs agent who was seeking authority to evict two non-Indian missionaries working among the Hopi, President Chester Arthur signed an executive order establishing a reservation "for the use and occupancy ofMoqui [Hopi], and such other Indians as the Secretary of the Interior may see fit to settle thereon." At the time the reservation was created there were 300 to 600 Navajos living within its boundaries and approximately 1800 Hopis. President Arthur's order, by its broad reference to "such other Indians," clearly encompassed the Navajos who made up one-sixth to one-third of the population. Even so, it was evident that little thought had been given to the actual land usage of the two tribes as the boundaries of the new reservation (known as the 1882 Reservation) were artificially designated as a rectangle - one degree of latitude in width and one degree oflongitude in height. Inside this artificial reservation there were over 900 Indian sites - the majority of which were Navajo.

To resolve the question of who legally was allowed to occupy the 1882 Reservation, the Congress authorized the two tribes in 1958 to sue each other. The Hopis immediately sued, claiming exclusive ownership of the 1882 Reservation. In 1962, a Federal court held:

> [T]he Hopi and Navajo Indian tribes have joint, undivided, and equal interests as to the surface and sub-surface including all resources appertaining thereto, subject to the trust title of the United States.

In reaching this decision, the Federal court thus ruled that the Navajo Indians living on the 1882 reservation were "such other Indians" as set forth in President Arthur's executive order. Dissatisfied with this result, the Hopi Tribe petitioned Congress for partition of the land. In 1974, Congress passed legislation which eventually led to partition of the land. However, according to a recent history "[i]t was not repeated Hopi complaints about Navajo encroachment onto uninhabited 1882-area lands that drove the [Federal] government to action. It was the pressure of oil and gas companies to determine ownership of the area."

The "disputed lands" lie on top of one of the richest coal beds in the Western United States. A Congress more interested in Watergate revelations than Indian issues adopted "the Hopi solution,"

and passed Public Law 93-531, which provided for partition of the 1882 reservation (except for an area known as District Six which had previously been determined to be exclusively Hopi). This law called for the appointment of a Federal mediator to seek a negotiated settlement of the dispute. If the two tribes could not come to agreement-and they did not-the mediator was required to establish within 90 days a partition line dividing the "disputed lands" in half, except for District Six, which was to remain in Hopi hands.

However, neither Tribe could or would agree to a loss of land. As a result, the Federal mediator partitioned the land according to his view of what was fair. From the Navajo Nation's perspective, he did not adequately account for who was actually living on the land nor how each Tribe would use the land (e.g., the Hopi did not intend to settle on the land, but rather to expand livestock operations there; whereas, these lands were the generational homes of the affected Navajo families). The result of the partitioning is that thousands of Navajo people-many of whom were non-English speaking, traditional, and elderly-were shocked and horrified to learn that the land they and their ancestors have lived on for generations was now Hopi land and that they would have to relocate. The Navajo Hopi Land Settlement Act of 1974 provides that ONHIR "shall be under the direction of the Commissioner" and that "the Commissioner shall be appointed by the President." 25 U.S.C. § 640d-ll(a)-(b). Despite that, there has not been an ONHIR commissioner since 1994, or 32 years.

There is substantial work to do and there needs to be a presidential mandate reflecting the commitment of the administration to address this harmful legacy. Every month, ONHIR reported that there are pending Navajo relocations. Those include not just housing and related facilities, but also post-move follow-up by ONHIR. That usually lasts two years but may last longer because some relocation homes have been poorly designed, situated, and built, as the Department of the Interior ("DOI") Office of Inspector General reported in 2016 and 2020. For example, in 2024 the Navajo Nation conducted field visits throughout the Navajo Nation Washington Office ("NNWO") in several impacted communities to verify the details and also learn from affected relocatee about the status of their poorly constructed homes. The NNWO found homes in severe disrepair with one specific home being consumed by vegetation as a result of faulty construction with inhabitants still residing there.

Additionally, there are still families fighting to receive benefits through appeals. A 2018 report by the U.S. Government Accountability Office ("GAO") found that the average time from application to successful relocation, following an appeal, is approximately 13.5 years. These extended wait times are concerning and highlight a need for timely resolution. It is difficult to imagine similar delays being tolerated for recent victims of hurricanes like Helene and Milton. Navajo families, who have also faced significant hardships, should receive the same level of care and attention.

As the GAO explained in 2018, ONHIR by statute is the only federal agency authorized to manage almost 400,000 acres of "New Lands" that were acquired in trust for the Nation under the Relocation Act. The Act expressly provides that those lands shall be administered by ONHIR solely for the benefit of Navajo families residing on Hopi-partitioned land ("HPL") as of when the Relocation Act was first enacted in 1974. 25 U.S.C. § 640d-110(h). In 2024, a federal court ruled that the Relocation Act "clearly" imposed on ONHIR an "unambiguous directive" and a

"specific fiduciary duty" for "full, exclusive, and final administrative control" "'to develop the New Lands for resettlement'" to "be meaningfully habitable" for Navajo families forced to relocate. *Navajo Nation v. United States,* 171 Fed. Cl. 246, 265-66 (2024). That includes livestock grazing, leasing, and rights of way, just like the BIA administers for other Navajo trust lands that are not managed by the Nation itself. Yet the 2018 GAO report found that ONHIR has not properly managed the New Lands. A politically appointed commissioner with a mandate to carry out the relocation plan, consistent with what the law requires, is essential.

When Congress enacted the Relocation Act 50 years ago, it required that "relocation shall take place in accordance with the relocation plan[,]" which took effect only after submission to Congress. 25 U.S.C. § 640d-13(a); Pub. L. 93-531, § 13(c)(5), 88 Stat.1712, 1718 (1974). Congress also required that the plan "shall assure that housing and related community facilities and services, such as water, sewers, roads, schools, and health facilities, for ... households shall be available at their relocation sites[.]" Pub. L. 93-531, § 13(c)(4). ONHIR's 1981 Relocation Plan reinforced and implemented that statutory requirement, as ONHIR and DOI confirmed to Congress. That mandate also is supported by the Relocation Act requirement for "decent, safe, and sanitary replacement dwellings" for relocatees, 25 U.S.C. § 640d-14(b)(2), (d)(2), and ONHIR's regulations, which require that relocation shall be carried out promptly with a minimum of hardship, and that water, sewers, and electricity shall be provided for those replacement dwellings. *See* 25 C.F.R. §§ 700.3(e), .55(a)(3), (6), (8). Likewise, ONHIR itself repeatedly over decades in congressional testimony and in ONHIR's own Management Manual has acknowledged that ONHIR has a duty to provide infrastructure for all on-reservation Navajo relocatees.

Tens of thousands of dislocated Navajo suffer from tremendous infrastructure shortages. That is even though ONHIR has express statutory authority to call on any other federal department or agency to assist in implementing the relocation plan and they are legally required to provide such assistance as requested. 25 U.S.C. § 640d-ll(e)(l). To the best of the Nation's knowledge, ONHIR has never exercised this authority and in fact based on discussions with former government officials employed with the Nation, ONHIR has refused several different attempts for cross agency collaboration specially in regard to economic development efforts.

Field Visit

During a field visit by the NNWO between October 3, 2024 and October 18, 2024, it was noted that the infrastructure needs of displaced Navajo families on the Navajo Reservation are severe for host chapters within the Former Bennett Freeze Area ("FBFA") and the Navajo Partitioned Lands ("NPL"). However, several other chapters, including Chinle, Dilkon, Fort Defiance, Ganado, Greasewood Springs, Kayenta, Shonta, Tsidii To'ii (formerly Birdsprings), and Whippoorwill, also face significant infrastructure challenges caused by the influx of Navajo relocatees and refugees. These challenges are particularly dire for refugees, many of whom are homeless or living in overcrowded, substandard conditions, waiting for relocation benefits that have been delayed for years. Even those fortunate enough to receive relocation housing struggle due to limited grazing and housing opportunities on an already strained reservation, with growing infrastructure needs across all communities. Despite decades of opportunities, ONHIR has failed to address these needs, possibly due to an extended lack of leadership. Congress had mandated ONHIR to plan, develop, and administer a new community at Nahata Dziil Chapter,

but serious infrastructure issues remain. The community, meant to be a safe haven for displaced families, instead faces severe challenges. For instance, the water distribution system is grossly inadequate, with small pipes causing dangerously low water pressure. This has stymied housing development, economic growth, and the basic functioning of the community. Aging water tanks, failing pumps, and the absence of fire hydrants for most homes not only hinder development but pose a serious risk to residents' safety. The school built by ONHIR at Nahata Dziil is abandoned due to structural problems, leaving children without a proper educational facility. Additionally, the community lacks youth, senior, and law enforcement services, forcing residents to travel long distances for emergency aid-an unacceptable and dangerous situation. Worse, the entire East Mills subdivision remains uninhabitable due to ONHIR's faulty site preparation, a failure that undermines the very purpose of relocation. Nahata Dziil is just one example. Communities like Coalmine, Tonalea, Shonto, Hard Rock, Pinon, Teesto, and White Cone face similar challenges in which the NNWO spoke directly to community members to assess the extent of the crisis.

Additionally, during these visits we witnessed firsthand the struggles these families endure. Data collected from over 130 families in just the past week reveals the heartbreaking reality: families have been abandoned by the very office charged with supporting them. Alarmingly, over one-third of respondents reported being forcibly relocated under dire circumstances, such as harassment by rangers or ONHIR agents, or the seizure of livestock:

> ***"They threatened us [the ONHIR] and said we would be forcibly moved to other location if we didn't leave voluntarily"*** - Navajo Relocatee

> ***"Grandma went to the chapter house and came home crying. She blamed the government, it's not the Hopis. She got thrown in jail. They [ONHIR] broke her arm because she was trying to protect her animals. I remember that incident. They jumped into their vehicle and left."*** – Navajo Relocatee

More than half of the families experienced structural issues with their homes within two years of moving in. These problems are consistent with findings from both the GAO and a 2018 independent contractor report, highlighting systemic failures in ONHIR's construction and maintenance efforts. Despite requests for assistance, many families remain in unsafe conditions. Half of the respondents have sought housing help, yet their requests remain unanswered. Over one-fourth of those surveyed stated that ONHIR either showed indifference or never visited to assess their situations, with some being told the office was closing or that funds were unavailable.

> ***"The supervisor, he ripped up our application. He got so mad, put it in a ball and threw it in the trash can. He said get the hell out of my office"*** - Navajo Relocatee

> ***"We talked to the judge and the relocation commission. They didn't want to listen. They told us what's done is done. Get on with it. Learn to live with it and don't come back"*** – Navajo Relocatee

Furthermore, a large quantity of respondents are still denied the benefits they were promised, including basic utilities like running water, electricity, and plumbing. These services,

which should have been provided during relocation, have been delayed for years, with some families only receiving utilities after moving in-far too late to prevent hardship. Many families were also promised infrastructure such as roads, public facilities, jobs, and housing in exchange for relocation, but these promises remain unfulfilled. The resulting broken trust has left communities stagnant, with little development or investment.

> ***"We were put where we were at by force. If they do not want to help us, give us the land back'*** - Navajo Relocatee
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> ***"My family has lived here since before the Long Walk in 1864. Yet we are called trespassers on our land and being denied our civil rights."*** - Navajo Relocatee

These are not abstract issues but real, ongoing failures that continue to harm our people. ONHIR has failed to fulfill its mandate, and the Navajo people are suffering the consequences. It is time for a commissioner who will honestly assess the situation and take decisive action to address these long-standing issues. This is about more than infrastructure-it's about justice, dignity, and the future of our people. ONHIR's ongoing failure to address these critical issues underscores the need for Congress to reinforce the mandates in the Relocation Act, the Relocation Plan, ONHIR's regulations, and its Management Manual. The Navajo Technical Amendments will do just that. This is not a political issue but a matter of justice for the Navajo people. Now is the time to push for real change.

The relocation of Navajo families represents the largest forced displacement of U.S. citizens since the internment of Japanese Americans during World War II. Thousands of Navajo families were uprooted from their ancestral lands-lands intertwined with their culture, identity, and way of life. These families did not choose to leave their homes-they were forced out and have spent decades waiting for the justice and stability promised to them. Yet, this promise remains unfulfilled, and ONHIR, which was created to resolve this injustice, has been left leaderless for too long.

> ***"When we were finally relocated and put under new restrictions, we lost our way of life and we lost our way of being"*** - Navajo Relocatee
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> ***"The impact of the Navajo-Hopi Land Settlement is nothing short of devasting. As an adult, I reflect on the loss of stability and belonging. I didn't have a permanent place to call home. I felt like a wanderer, helpless with my life controlled by the ONHIR."*** - Navajo Relocatee

Study, Plan, and Report The federal government needs to carry out, a transition and closure plan, and a report to Congress. The studies, plans, and reports needed will address how the relocation and development freezes have impacted the Navajo Nation generally, and specifically the impacts within the Navajo Partitioned Lands, the Former Bennett Freeze Area, and on Descendants of Navajo Relocatees. These studies, reports, and plans would be conducted in partnership with the Nation and its members, as well as with other Federal departments.

Allow relinquishment of accommodation-agreement leases. In 1996 a settlement

agreement between the United States and the Hopi Tribe provided for life-term leases for Navajo families who desired to remain on their traditional homelands in what became HPL. Yet despite that agreement, continued life on HPL for many of those now-elderly, so-called "AA-Signers" has become unbearable. Also, while a series of application periods for benefits were provided under the Relocation Act, those all now have expired. This leaves those Navajo families remaining on HPL often literally out in the cold and unable to obtain the benefits that Congress and ONHIR long-ago promised. We hope that you will agree that these people should now be allowed to receive benefits to help facilitate relocation that they could not manage otherwise. This also will release those leases early back to the Hopi Tribe. This should be an easy win-win fix that all involved should support.

WORK WITH THE NATION TO DEVELOP A PLAN TO COMPLETE AND TRANSITION ONHIR'S FUNCTIONS

Interior and other federal agencies must work closely with the Nation to develop a plan to complete and transition its functions. Some matters, including land selections and providing relocation housing and related necessary on-reservation community facilities for dislocated Navajos, must be completed within a specified deadline. In turn, New Lands administration will not end, so that must be transitioned via a workable, respectful framework to another agency and/ or the Nation. Only once these matters are addressed can this painful legacy end.

Moreover, the relocation completion plan must involve interagency assistance. ONHIR is already authorized to "call upon any department or agency of the United States to assist ... in implementing the relocation plan," while retaining "control over and responsibility for completing relocation[,]" 25 U.S.C. § 640d-ll(e)(1). ONHIR has long recognized that this interagency assistance is required, and it is even more necessary now more than ever. Such projects should be funded by other agencies' appropriations over time, in addition to both their regular appropriations that benefit the Nation and any funding directed to the Nation via federal infrastructure initiatives. Development and implementation of the relocation plan also must apply lessons from relevant history and Navajo culture. Here, that starts from time immemorial. Consistent with Navajo customs, traditional Navajo communities within what became the 1882 Reservation for many generations lived self-sufficiently *(t'aa hw6'ajft'eego)* in traditional homesites as part of integrated lifeways at harmony and in balance with the surrounding world *(h6zh6),* with ongoing, unrestricted access to and responsibility for sacred sites. This included extended kinship systems (k'e) of many nearby relatives and clan members. Most spoke little or no English and lived in traditional *hoogans,* which are necessary for Navajo ceremonies.

Despite that history throughout the Nation's sacred homelands *(Dine Bikeyah),* in 1863-1866, after a brutal scorched-earth campaign led by Kit Carson, the United States forcibly relocated over 8,500 Navajos from their homelands via the Long Walk *(Hweeld1J.* That included forced marches of over 300 miles, killing many, to internment at Bosque Redondo, a barren area where thousands more Navajos died in horrible conditions without adequate water or food supplies. That was likely the largest forced relocation of a single American Indian Nation in the last 150 years, until the current ongoing relocation here.

The Long Walk still matters here. When Congress first enacted the Relocation Act in 197 4, the

Nation testified about the intergenerational trauma caused by the Long Walk and the horrible situation at Bosque Redondo, and experts testified about the need for community infrastructure to avoid repeating relocation failures. Congress then specifically sought to avoid repeating such problems and committed that this relocation would be prompt, paid for by the United States, and with minimal hardship. And over the following decades, the Nation, Congress, ONHIR, and DOI all repeatedly have acknowledged and emphasized the clear legal requirement and absolute human necessity of providing community facilities and services for dislocated Navajos. ONHIR even has admitted that failure to carry out that may make the federal government liable for breach of trust. As the Navajo Chairman once testified about this,"[e]ven animals ... put into a zoo are not put into a dry place without any water .... and a place to eat." Sadly, 150 years after the Long Walk, 50 years after the 197 4 Act, almost 40 years after the statutory relocation completion deadline, and 30 years after ONHIR last had a presidentially appointed commissioner, the lesson of all that seems to have been forgotten. Yet it must not be forgotten now. Only clear White House direction can ensure that ONHIR finally remembers, addresses, and completes all this.

Unlike the other matters noted above, there is no endpoint for ONHIR's exclusive statutory authority over New Lands administration and development. No other federal agency can take over that responsibility without congressional legislation and it unclear whether any federal agency would be willing or able to effectively take it over. The GAO in 2018 reported that ONHIR has not properly managed leases and other agreements concerning the New Lands. That has included not even having an inventory of those or written agreements for some occupied lands. ONHIR also has placed itself as the lessor, rather than the Nation, unlike BIA's practice for other tribal trust lands. ONHIR also sometimes has failed to collect revenues from those land uses, and sometimes has retained for itself those revenues that it has collected. ONHIR also has operated the Padres Mesa Ranch on the New Lands without a land-use agreement and in violation of its own grazing-trespass regulations. It appears that what Congress and the BIA learned a generation ago, the leaderless ONHIR since then still has not learned. The Nation urges ongoing consultations with ONHIR and other agencies so we may best determine the best course of action for transferring ONHIR's statutory obligations.

Framing Questions from ONHIR:

1. **What are ONHIR's remaining obligations to the Navajo Nation and the Hopi Tribe under the [Relocation Act], as amended?**

As reviewed above, ONHIR's basic remaining obligations under the Relocation Act to the Navajo Nation and its relevant affected citizens are as follows:

(i) fairly and timely adjudicate relocation benefits applications. While ONHIR's FY25 Budget Justification provides that there are only 7 applicants remaining that are eligible for relocation, the Nation has severe misgivings regarding the accuracy of that number. During the Nation's interviews at impacted Chapters, approximately 60 different individuals had claimed they were still being denied benefits. Many of those individuals stated that when they went to the ONHIR Flagstaff office to apply they were turned away and told they could not apply because "ONHIR was shutting down" or because "ONHIR was out of money." Statements like that from

ONHIR's staff deterred countless Navajos from seeking benefits during periods ranging from the late 1990s up and through the first decade of 2010.

(ii) timely provide relocation benefits to certified eligible families, including without limitation structurally sound, decent, safe, and sanitary dwellings with all necessary and appropriate related communities and facilities and a sufficient period of follow up to identify and remediate any problems with those dwellings or facilities. In addition, adequate training and support should also be provided by ONHIR on home maintenance. Many of the families we spoke to expressed concern that once they received their home they could not contact ONHIR regarding assistance with repairs under warranty nor did they ever receive any of the promised training regarding home maintenance. This was especially concerning given that many of the homes are located in areas where it is nearly impossible for electricians, plumbers, and other professionals to access due to ungraded dirt roads. Further, despite promises that homes would have access to schools, safe roads, clinics, water, electricity, and other basic utilities, many of the individuals we visited indicated that that was not the case.

(iii) continue work with the Nation to complete all statutorily authorized New Lands selections, including completion of relevant trust acquisitions.

(iv) provide all necessary and sufficient community facilities and services for all dislocated Navajos in host chapters on the Reservation, including water, sewers, roads, schools, chapter houses, and health facilities; and

(v) continue full, exclusive, and final administrative control to develop and manage the New Lands for resettlement to be meaningfully habitable for Navajo families forced to relocate from HPL-including regarding grazing, leasing, rights-of-way, and deposits, disbursements, and investments of revenue therefrom, except for New Mexico New Lands net income deposited in the NRTF and Arizona New Lands revenue deposited in the Dine Relocatee Fund-unless and until relieved of those duties through congressional action. The Nation defers to the Hopi Tribe regarding what remaining obligations, if any, ONHIR has to the Hopi Tribe under the Relocation Act.

2. How should any such remaining ONHIR obligations be completed?
Given all the above, it is unfathomable that ONHIR's long-time Executive Director could have any doubt that there are extensive remaining obligations for ONHIR to be completed. As the GAO reported in 2018, the administration and development of the New Lands (and revenue there from) must continue indefinitely until Congress authorizes another federal agency to take over that management. In turn, all the remaining above obligations must be completed timely, fairly, categorically, thoroughly, generously, with minimum adverse social, economic, and cultural impacts on affected tribal citizens, to avoid a repetition of the results of the Long Walk, with major costs properly borne by the United States, and in full compliance with the letter and the spirit of what Congress enacted as ONHIR repeatedly has acknowledged to the Nation and Congress. Therefore, in consultation with the Nation, ONHIR must create and implement a plan for no more than ten years total, and preferably less, to complete all ONHIR functions that have limited scope or duration. This must include measurable benchmarks and regular reporting to address all ongoing relocation benefits, needs, and impacts and the related former federal freezes.

This must assure provision of housing and post-move follow up, as well as related community facilities and services which Congress committed to in 1974, and which remain essential for successful relocation. That includes provision of power, water, sewers, roads, schools, health facilities, and chapter houses, as well as post-move assistance and repairing deficient or replacing unusable relocation homes and related community facilities.

3. If **ONHIR were to cease operations, how should any remaining required activities be managed?**
If ONHIR were to prematurely cease operations, the consequences would be severe, both for the displaced Navajo families who still rely on the agency and for the federal government's ability to fulfill its trust responsibility. The Navajo people have already endured decades of hardship due to the largest forced relocation of U.S. citizens since World War II, when Japanese Americans were interned. Ending ONHIR's operations without completing its remaining duties would perpetuate a grave historical injustice. To begin with, ONHIR's legal responsibilities under the Relocation Act are not transferable to other agencies without express congressional authorization. The 2018 GAO report unequivocally states that "the Relocation Act does not give other agencies the authority to undertake various ONHIR responsibilities" (2018 GAO Report at 53). Among these responsibilities are critical tasks that affect the well-being and daily lives of Navajo citizens:

• Relocating households as mandated under 25 U.S.C. § 640d-13.
• Providing replacement, decent, safe, and sanitary dwellings under§ 640d-14.
• Planning, developing, and administering the New Lands for relocated Navajo families under § 640d-10.
• Maintaining infrastructure, including water, electricity, and roads, as mandated by the Relocation Act and ONHIR's regulations.Without ONHIR, there is no federal agency currently empowered to carry out these responsibilities. For example, there are still Navajo families who are waiting for adequate housing and infrastructure, particularly in communities like Hardrock and Pinon. Many of these areas lack basic necessities like reliable water systems, fire hydrants, and emergency services, all of which fall under ONHIR's jurisdiction. Prematurely closing the office would leave these families in limbo, unable to access the resources they need and deserve after enduring forced relocation. Moreover, there is a very real risk that these unresolved issues will be forgotten or neglected entirely if ONHIR shuts down without completing its work. The communities affected by relocation are some of the most disadvantaged in the country. Many have waited decades for relief and remain vulnerable to a host of socio-economic challenges, from lack of housing to limited access to healthcare and education. Without a federal agency dedicated to addressing these unique issues, the Navajo families who were displaced by the Relocation Act could continue to be overlooked for years, if not indefinitely.

The Relocation Act's mandates remain unfulfilled, and no other agency has the legal authority to carry out ONHIR's remaining responsibilities. The displacement, housing, and infrastructure needs of the Navajo Nation must be addressed in a comprehensive and timely manner-something only ONHIR is currently empowered to do.

Finally, it is vital that the federal government not abandon its responsibility to the Navajo people, especially when there are still so many unaddressed challenges.

4. What are your recommendations for possible transitions of ONHIR's functions to another federal agency or your Nation?

As stated above for the Nation's third key overall demand, after presidential appointment of a new ONHIR commissioner, a key obligation of that commissioner must be to work with the White House, the Nation, and other relevant federal agencies to develop a relocation completion and transition plan. This should entail proposed congressional legislation to transfer remaining ongoing duties to other federal agencies as appropriate and to the Nation. During our interviews, one concern that arose is that ONHIR has not properly utilized its statutorily-granted power to call on other agencies to assist in the relocation efforts. As a result, it is unclear whether any other agencies are currently prepared to take on ONHIR's remaining functions.

5. What impact(s) would ONHIR's closure have on your Nation and your members?
Once ONHIR has completed all legally required limited functions such as benefits, housing, infrastructure, and land selections, and Congress has enacted and the Nation and relevant federal agencies have implemented legislation to transfer ongoing duties regarding New Lands administration, ONHIR may cease to exist in accordance with the Relocation Act without having any impact on the Nation and its citizens. In contrast, if ONHIR attempts to close before then, the impact on the Nation, displaced Navajos, and host chapters would be devastating for each of the areas of responsibility noted above. Such impacts would directly contravene Congress's commitment and ONHIR's prior repeated acknowledgements that relocation shall be prompt, thorough, generous, with a minimum of hardship, paid for by the federal government, and not repeat the effects of prior relocations like the Long Walk. In addition, any attempt to effect such an illegal closure likely would compel the Nation to file yet another lawsuit to prevent that illegal action. During our interviews, many Navajo relocatees stated that they felt the government has mistreated and ignored them. With one relocatee remarking:

> ***"It's like you have the leftovers and you throw them outside to the dogs. That's the way we were treated."*** - Navajo Relocatee

Another person we interviewed told us that she felt that she was "less than human." By closing ONHIR prematurely, this Administration would confirm those beliefs.

6. How could any possible adverse impacts be minimized?
The extremely adverse and certain-not merely possible-impacts of illegal premature closure of ONHIR could be minimized only by simply not attempting that. Instead, a new ONHIR commissioner must be appointed who will actually fulfill its legal mandate and seek the necessary funding to do so and to work closely with the Nation to identify what is needed to bring this painful legacy to an end.

7. What timeframe is reasonable for ONHIR to close?
A reasonable timeframe for ONHIR to close could be ten years or less, provided that sufficient funding, leadership, coordinated interagency assistance, and transitional congressional legislation are provided. Only with all this can Congress's original promise and commitments from a half-century ago finally be fulfilled.