

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1003

To amend the Act of December 22, 1974, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 11, 2005

Mr. MCCAIN introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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## A BILL

To amend the Act of December 22, 1974, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Navajo-Hopi Land Settlement Amendments of 2005”.

6 (b) TABLE OF CONTENTS.—The table of contents of  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE NAVAJO-HOPI LAND  
SETTLEMENT ACT OF 1974

Sec. 101. Repeal of sections.

Sec. 102. Definitions; division of land.

Sec. 103. Joint ownership of minerals.

Sec. 104. Actions.

- Sec. 105. Paiute Indian allotments.
- Sec. 106. Partitioned and other designated land.
- Sec. 107. Resettlement land for Navajo Tribe.
- Sec. 108. Office of Navajo and Hopi Indian Relocation.
- Sec. 109. Report.
- Sec. 110. Relocation of households and members.
- Sec. 111. Relocation housing.
- Sec. 112. Payment for use of land.
- Sec. 113. Effect of Act.
- Sec. 114. Actions for accounting, fair value of grazing, and claims for damages to land.
- Sec. 115. Joint use.
- Sec. 116. Religious ceremonies; piping of water.
- Sec. 117. Access to religious shrines.
- Sec. 118. Exclusion of payments from certain Federal determinations of income.
- Sec. 119. Authorization of exchange.
- Sec. 120. Severability.
- Sec. 121. Authorization of appropriations.
- Sec. 122. Funding and construction of high school and medical center.
- Sec. 123. Environmental impact; wilderness study; cancellation of leases and permits.
- Sec. 124. Attorney fees and court costs.
- Sec. 125. Lobbying.
- Sec. 126. Navajo Rehabilitation Trust Fund.
- Sec. 127. Availability of funds for relocation assistance.

TITLE II—PERSONNEL OF THE OFFICE OF NAVAJO AND HOPI  
INDIAN RELOCATION

- Sec. 201. Retention preference.
- Sec. 202. Separation pay.
- Sec. 203. Federal retirement.

TITLE III—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

- Sec. 301. Definitions.
- Sec. 302. Transfer of functions.
- Sec. 303. Transfer and allocations of appropriations.
- Sec. 304. Effect of title.

**1 TITLE I—AMENDMENTS TO THE**  
**2 ACT OF DECEMBER 22, 1974**

**3 SEC. 101. REPEAL OF SECTIONS.**

- 4 (a) IN GENERAL.**—The Act of December 22, 1974  
**5 (25 U.S.C. 640d et seq.)** is amended in the first undesig-  
**6 nated section by striking “That, (a) within” and all that**  
**7 follows through the end of the section.**

1 (b) ADDITIONAL REPEALS.—Sections 2 through 5  
2 and sections 26 and 30 of the Act of December 22, 1974  
3 (25 U.S.C. 640d–1 through 640d–4; 88 Stat. 1723; 25  
4 U.S.C. 640d–28) are repealed.

5 **SEC. 102. DEFINITIONS; DIVISION OF LAND.**

6 Section 6 of the Act of December 22, 1974 (25  
7 U.S.C. 640d–5) is amended—

8 (1) by striking “SEC. 6. The Mediator” and all  
9 that follows through subsection (f) and inserting the  
10 following:

11 **“SECTION 1. DEFINITIONS.**

12 “In this Act:

13 “(1) DISTRICT COURT.—The term ‘District  
14 Court’ means the United States District Court for  
15 the District of Arizona.

16 “(2) SECRETARY.—The term ‘Secretary’ means  
17 the Secretary of the Interior.

18 “(3) TRIBE.—The term ‘Tribe’ means—

19 “(A) the Navajo Indian Tribe; and

20 “(B) the Hopi Indian Tribe.

21 **“SEC. 2. DIVISION OF LAND.**

22 “(a) DIVISION.—

23 “(1) IN GENERAL.—The land located within the  
24 boundaries of the reservation established by Execu-

1 tive order on December 16, 1982, shall be divided  
2 into parcels of equal acreage and quality—

3 “(A) to the maximum extent practicable;

4 and

5 “(B) in accordance with the final order  
6 issued by the District Court on August 30,  
7 1978 (providing for the partition of the surface  
8 rights and interest of the Tribes).

9 “(2) VALUATION OF PARCELS.—For the pur-  
10 pose of calculating the value of a parcel produced by  
11 a division under paragraph (1), the Secretary  
12 shall—

13 “(A) take into account any improvement  
14 on the land; and

15 “(B) consider the grazing capacity of the  
16 land to be fully restored.

17 “(3) COMPENSATION BY TRIBES.—If the parti-  
18 tion under paragraph (1) results in parcels of un-  
19 equal value, as determined by the Secretary, the  
20 Tribe that receives the more valuable parcel shall  
21 pay to the other Tribe compensation in an amount  
22 equal to the difference in the values of the parcels,  
23 as determined by the Secretary.

24 “(4) COMPENSATION BY FEDERAL GOVERN-  
25 MENT.—If the District Court determines that the

1 failure of the Federal Government to fulfill an obli-  
2 gation of the Government decreased the value of a  
3 parcel under paragraph (1), the Government shall  
4 pay to the recipient of the parcel compensation in an  
5 amount equal to the difference between—

6 “(A) the decreased value of the parcel; and

7 “(B) the value of the fully restored par-  
8 cel.”;

9 (2) by striking “(g) Any” and inserting the fol-  
10 lowing:

11 “(b) LICENSE FEES AND RENTS.—Any”; and

12 (3) by striking “(h) Any” and inserting the fol-  
13 lowing:

14 “(c) GRAZING AND AGRICULTURAL USE.—Any”.

15 **SEC. 103. JOINT OWNERSHIP OF MINERALS.**

16 Section 7 of the Act of December 22, 1974 (25  
17 U.S.C. 640d-6) is amended—

18 (1) by striking “SEC. 7. Partition” and insert-  
19 ing the following:

20 **“SEC. 3. JOINT OWNERSHIP OF MINERALS.**

21 “(a) IN GENERAL.—Partition”; and

22 (2) in the second sentence, by striking “All”  
23 and inserting the following:

24 “(b) JOINT MANAGEMENT.—All”.

1 **SEC. 104. ACTIONS.**

2 Section 8 of the Act of December 22, 1974 (25  
3 U.S.C. 640d-7) is amended—

4 (1) by striking “SEC. 8. (a) Either Tribe” and  
5 inserting the following:

6 **“SEC. 4. ACTIONS.**

7 **“(a) ACTIONS IN DISTRICT COURT.—Either Tribe”;**

8 (2) in subsection (b)—

9 (A) in the first sentence, by striking “(b)  
10 Lands, if any,” and inserting the following:

11 **“(b) ALLOCATION OF LAND.—**

12 **“(1) NAVAJO RESERVATION.—Any land”;**

13 (B) in the second sentence, by striking  
14 “Lands, if any,” and inserting the following:

15 **“(2) HOPI RESERVATION.—Any land”;** and

16 (C) in the third sentence, by striking “Any  
17 lands” and inserting the following:

18 **“(3) JOINT AND UNDIVIDED INTERESTS.—Any  
19 land”;**

20 (3) in subsection (c)—

21 (A) by striking “(c)(1) Either” and insert-  
22 ing the following:

23 **“(c) EXCHANGE OF LAND.—**

24 **“(1) IN GENERAL.—Either”;**

25 (B) in paragraph (2), by striking “(2) In  
26 the event” and inserting the following:

1 “(2) INTERESTS OF TRIBES.—If”;

2 (C) in paragraph (3), by striking “(3) Nei-  
3 ther” and inserting the following:

4 “(3) DEFENSE.—Neither”; and

5 (D) by striking “section 18” each place it  
6 appears and inserting “section 14”;

7 (4) in subsection (d), by striking “(d) Nothing”  
8 and inserting the following:

9 “(d) EFFECT OF SECTION.—Nothing”;

10 (5) in subsection (e), by striking “(e) The” and  
11 inserting the following:

12 “(e) PAYMENT OF LEGAL FEES, COURT COSTS, AND  
13 OTHER EXPENSES.—The”; and

14 (6) by striking subsection (f).

15 **SEC. 105. PAIUTE INDIAN ALLOTMENTS.**

16 Section 9 of the Act of December 22, 1974 (25  
17 U.S.C. 640d–8) is amended by striking “SEC. 9. Notwith-  
18 standing” and inserting the following:

19 **“SEC. 5. PAIUTE INDIAN ALLOTMENTS.**

20 “Notwithstanding”.

21 **SEC. 106. PARTITIONED AND OTHER DESIGNATED LAND.**

22 Section 10 of the Act of December 22, 1974 (25  
23 U.S.C. 640d–9) is amended—

24 (1) by striking “SEC. 10. (a) Subject” and in-  
25 serting the following:

1 **“SEC. 6. PARTITIONED AND OTHER DESIGNATED LAND.**

2 “(a) NAVAJO TRUST LAND.—Subject”;

3 (2) in subsection (a), by striking “section 9 and  
4 subsection (a) of section 17” and inserting “sections  
5 5 and 13(a)”;

6 (3) in subsection (b)—

7 (A) by striking “(b) Subject” and inserting  
8 the following:

9 “(b) HOPI TRUST LAND.—Subject”;

10 (B) by striking “section 9 and subsection  
11 (a) of section 17” and inserting “sections 5 and  
12 13(a)”;

13 (C) by striking “section 3 or 4” and in-  
14 sserting “section 1”; and

15 (D) by striking “section 8” and inserting  
16 “section 4”;

17 (4) in subsection (c)—

18 (A) by striking “(c) The” and inserting the  
19 following:

20 “(c) PROTECTION OF RIGHTS AND PROPERTY.—  
21 The”; and

22 (B) by striking “pursuant thereto” and all  
23 that follows through the end of the subsection  
24 and inserting “pursuant to this Act”;

25 (5) in subsection (d), by striking “(d) With”  
26 and inserting the following:



1 “(d) PROTECTION OF BENEFITS AND SERVICES.—  
2 With”; and

3 (6) in subsection (e)—

4 (A) by striking “(e)(1) Lands” and insert-  
5 ing the following:

6 “(e) TRIBAL JURISDICTION OVER PARTITIONED  
7 LAND.—

8 “(1) IN GENERAL.—Land”;

9 (B) by adjusting the margins of subpara-  
10 graphs (A) and (B) of paragraph (1) appro-  
11 priately; and

12 (C) in the matter following subparagraph  
13 (B)—

14 (i) by striking “The provisions” and  
15 inserting the following:

16 “(2) RESPONSIBILITY OF SECRETARY.—The  
17 provisions”; and

18 (ii) by striking “life tenants and”.

19 **SEC. 107. RESETTLEMENT LAND FOR NAVAJO TRIBE.**

20 (a) IN GENERAL.—Section 11(a) of the Act of De-  
21 cember 22, 1974 (25 U.S.C. 640d–10(a)) is amended—

22 (1) by striking “SEC. 11. (a) The Secretary”  
23 and inserting the following:

24 **“SEC. 7. RESETTLEMENT LAND FOR NAVAJO TRIBE.**

25 “(a) TRANSFER OF LAND.—

1 “(1) IN GENERAL.—The Secretary”;

2 (2) by striking “(1) transfer not to exceed two  
3 hundred and fifty thousand acres of lands” and in-  
4 serting the following:

5 “(A) transfer not more than 250,000 acres  
6 of land”;

7 (3) by striking “Tribe: *Provided, That*” and all  
8 that follows through “as possible.” and inserting  
9 “Tribe; and”;

10 (4) in the first paragraph designated as para-  
11 graph (2)—

12 (A) by striking “(2) on behalf” and insert-  
13 ing the following:

14 “(B) on behalf”; and

15 (B) by striking the second sentence;

16 (5) in the matter following paragraph (1)(B)  
17 (as redesignated by paragraph (4))—

18 (A) in the first sentence—

19 (i) by striking “Subject to” and all  
20 that follows through “all rights” and in-  
21 serting the following:

22 “(4) REQUIREMENTS OF TRANSFER.—

23 “(A) IN GENERAL.—Subject to this para-  
24 graph, all rights”; and

1 (ii) by striking “paragraph (1)” and  
2 inserting “paragraph (1)(A)”;

3 (B) in the second sentence, by striking “So  
4 long as” and inserting the following:

5 “(B) COAL LEASE APPLICATIONS.—

6 “(i) IN GENERAL.—If”;

7 (C) in the third sentence, by striking “If  
8 such adjudication” and inserting the following:

9 “(ii) ISSUANCE OF LEASES.—If an ad-  
10 judication under clause (i)”;

11 (D) in the fourth sentence, by striking  
12 “The leaseholders rights and interests” and in-  
13 serting the following:

14 “(iii) RIGHTS AND INTERESTS OF  
15 LEASEHOLDERS.—The rights and interests  
16 of a holder of a lease described in clause  
17 (i)”;

18 (E) in the fifth sentence, by striking “If  
19 any” and inserting the following:

20 “(C) CLAIMS UNDER MINING LAW.—If  
21 any”;

22 (6) by inserting after paragraph (1)(B) (as re-  
23 designated by paragraph (4)) the following:

24 “(2) EXCHANGE OF LAND.—

1           “(A) IN GENERAL.—In order to facilitate a  
2 transfer of land under paragraph (1)(A), the  
3 Secretary may exchange land described in para-  
4 graph (1)(A) for State or private land of equal  
5 value.

6           “(B) UNEQUAL VALUE.—If the State or  
7 private land described in subparagraph (A) is of  
8 unequal value to the land described in para-  
9 graph (1)(A), the recipient of the land that is  
10 of greater value shall pay to the other party to  
11 the exchange under subparagraph (A) com-  
12 pensation in an amount not to exceed the lesser  
13 of—

14                   “(i) the difference between the values  
15 of the land exchanged; or

16                   “(ii) the amount that is 25 percent of  
17 the total value of the land transferred from  
18 the Secretary to the Navajo Tribe.

19           “(C) RESPONSIBILITY OF SECRETARY.—  
20 The Secretary shall ensure that the amount of  
21 a payment under subparagraph (B) is as mini-  
22 mal as practicable.

23           “(3) TITLE TO LAND ACCEPTED.—The Sec-  
24 retary shall accept title to land under paragraph  
25 (1)(B) on behalf of the United States in trust for

1 the benefit of the Navajo Tribe as a part of the Nav-  
2 ajo reservation.”; and

3 (7) in the second paragraph designated as para-  
4 graph (2)—

5 (A) in the first sentence—

6 (i) by striking “(2) Those” and insert-  
7 ing the following:

8 “(5) STATE RIGHTS.—

9 “(A) IN GENERAL.—The”; and

10 (ii) by striking “subsection 2 of this  
11 section” and inserting “paragraph (1)(B)”;

12 and

13 (B) in the second sentence, by striking  
14 “The” and inserting the following:

15 “(B) STATE INTERESTS.—The”.

16 (b) PROXIMITY OF LAND; EXCHANGES OF LAND.—

17 Section 11(b) of the Act of December 22, 1974 (25 U.S.C.

18 640d–10(b)) is amended by striking “(b) A border” and

19 inserting the following:

20 “(b) PROXIMITY OF LAND TO BE TRANSFERRED OR  
21 ACQUIRED.—A border”.

22 (c) SELECTION OF LAND.—Section 11(c) of the Act

23 of December 22, 1974 (25 U.S.C. 640d–10(c)) is amend-

24 ed—

1           (1) by striking “(e) Lands” and inserting the  
2 following:

3           “(e) SELECTION OF LAND TO BE TRANSFERRED OR  
4 ACQUIRED.—Land”; and

5           (2) by striking the period at the end and insert-  
6 ing the following: “: *Provided further*, That the au-  
7 thority of the Commissioner to select lands under  
8 this subsection shall terminate on September 30,  
9 2008.”.

10          (d) REPORTS.—Section 11(d) of the Act of December  
11 22, 1974 (25 U.S.C. 640d–10(d)) is amended by striking  
12 “(d) The” and inserting the following:

13          “(d) REPORTS.—The”.

14          (e) PAYMENTS.—Section 11(e) of the Act of Decem-  
15 ber 22, 1974 (25 U.S.C. 640d–10(e)) is amended by strik-  
16 ing “(e) Payments” and inserting the following:

17          “(e) PAYMENTS.—Payments”.

18          (f) ACQUISITION OF TITLE TO SURFACE AND SUB-  
19 SURFACE INTERESTS.—Section 11(f) of the Act of Decem-  
20 ber 22, 1974 (25 U.S.C. 640d–10(f)) is amended—

21           (1) by striking “(f)(1) For” and inserting the  
22 following:

23           “(f) ACQUISITION OF TITLE TO SURFACE AND SUB-  
24 SURFACE INTERESTS.—

25           “(1) IN GENERAL.—For”;

1           (2) in paragraph (2), by striking “(2) If” and  
2           inserting the following:

3           “(2) PUBLIC NOTICE; REPORT.—If”; and

4           (3) in paragraph (3), by striking “(3) In any  
5           case where” and inserting the following:

6           “(3) RIGHTS OF SUBSURFACE OWNERS.—If”.

7           (g) LAND NOT AVAILABLE FOR TRANSFER.—Section  
8           11(g) of the Act of December 22, 1974 (25 U.S.C. 640d–  
9           10(g)) is amended by striking “(g) No” and inserting the  
10          following:

11          “(g) LAND NOT AVAILABLE FOR TRANSFER.—No”.

12          (h) ADMINISTRATION OF LAND TRANSFERRED OR  
13          ACQUIRED.—Section 11(h) of the Act of December 22,  
14          1974 (25 U.S.C. 640d–10(h)) is amended—

15               (1) by striking “(h) The lands” and inserting  
16               the following:

17               “(h) ADMINISTRATION OF LAND TRANSFERRED OR  
18          ACQUIRED.—

19               “(1) IN GENERAL.—The land”; and

20               (2) by adding at the end the following:

21               “(2) RELOCATION.—

22                       “(A) IN GENERAL.—In order to facilitate  
23                       relocation of a member of a Tribe, the Commis-  
24                       sioner may grant a homesite lease on land ac-  
25                       quired under this section to a member of the

1 extended family of a Navajo Indian who is cer-  
 2 tified as eligible to receive benefits under this  
 3 Act.

4 “(B) EXCEPTION.—The Commissioner  
 5 may not use any funds available to the Commis-  
 6 sioner to carry out this Act to provide housing  
 7 to an extended family member described in sub-  
 8 paragraph (A).”.

9 (i) NEGOTIATIONS REGARDING LAND EXCHANGES  
 10 AND LEASES.—Section 11(i) of the Act of December 22,  
 11 1974 (25 U.S.C. 640d–10(i)) is amended—

12 (1) by striking “(i) The” and inserting the fol-  
 13 lowing:

14 “(i) NEGOTIATIONS REGARDING LAND EXCHANGES  
 15 AND LEASES.—The”; and

16 (2) by striking “section 23” and inserting “sec-  
 17 tion 19”.

18 **SEC. 108. OFFICE OF NAVAJO AND HOPI INDIAN RELOCA-**  
 19 **TION.**

20 Section 12 of the Act of December 22, 1974 (25  
 21 U.S.C. 640d–11) is amended—

22 (1) by striking “SEC. 12. (a) There is hereby”  
 23 and inserting the following:



1 **“SEC. 8. OFFICE OF NAVAJO AND HOPI INDIAN RELOCA-**  
 2 **TION.**

3 “(a) ESTABLISHMENT.—There is”;

4 (2) in subsection (b), by striking “(b) The” and  
 5 inserting the following:

6 “(b) APPOINTMENT.—The”;

7 (3) in subsection (c)—

8 (A) by striking “(c)(1)(A) Except” and in-  
 9 serting the following:

10 “(c) CONTINUATION OF POWERS.—

11 “(1) POWERS AND DUTIES OF COMMISSIONER;  
 12 EXISTING FUNDS.—

13 “(A) POWERS AND DUTIES OF COMMIS-  
 14 SIONER.—Except”;

15 (B) in paragraph (1)(B), by striking “(B)  
 16 All” and inserting the following:

17 “(B) EXISTING FUNDS.—All”; and

18 (C) in paragraph (2), by striking “(2)  
 19 There are hereby” and inserting the following:

20 “(2) TRANSFER OF POWERS.—There are”;

21 (4) in subsection (d)—

22 (A) by striking “(d)(1) Subject” and in-  
 23 serting the following:

24 “(d) POWERS OF COMMISSIONER.—

25 “(1) IN GENERAL.—Subject”;

1 (B) by adjusting the margins of subpara-  
2 graphs (A) and (B) of paragraph (1) appro-  
3 priately;

4 (C) in paragraph (2), by striking “(2)  
5 The” and inserting the following:

6 “(2) CONTRACTS.—The”; and

7 (D) in paragraph (3), by striking “(3)  
8 There” and inserting the following:

9 “(3) AUTHORIZATION OF APPROPRIATIONS.—  
10 There”;

11 (5) in subsection (e)—

12 (A) by striking “(e)(1)” and inserting the  
13 following:

14 “(e) ADMINISTRATION.—

15 “(1) ADMINISTRATIVE, FISCAL, AND HOUSE-  
16 KEEPING SERVICES.—

17 (B) in paragraph (1)—

18 (i) in the first sentence, by striking  
19 “The” and inserting the following:

20 “(A) IN GENERAL.—The”; and

21 (ii) in the second sentence, by striking  
22 “In any” and inserting the following:

23 “(B) ASSISTANCE FROM DEPARTMENTS  
24 AND AGENCIES.—In any”; and

1 (C) in paragraph (2), by striking “(2) On”  
2 and inserting the following:

3 “(2) FAILURE TO PROVIDE ASSISTANCE.—On”;  
4 (6) by striking subsection (f) and inserting the  
5 following:

6 “(f) TERMINATION.—

7 “(1) IN GENERAL.—The Office of Navajo and  
8 Hopi Indian Relocation shall terminate on Sep-  
9 tember 30, 2008.

10 “(2) TRANSFER OF OFFICE DUTIES.—On the  
11 date of termination of the Office, any duty of the  
12 Office that has not been carried out, as determined  
13 in accordance with this Act, shall be transferred to  
14 the Secretary in accordance with title III of the Nav-  
15 ajo-Hopi Land Settlement Amendments of 2005.”;  
16 and

17 (7) by adding at the end the following:

18 “(g) OFFICE OF RELOCATION.—

19 “(1) ESTABLISHMENT.—Effective on October  
20 1, 2006, there is established in the Department of  
21 the Interior an Office of Relocation.

22 “(2) DUTIES.—The Secretary, acting through  
23 the Office of Relocation, shall carry out the duties  
24 of the Office of Navajo and Hopi Indian Relocation  
25 that are transferred to the Secretary in accordance

1 with title III of the Navajo-Hopi Land Settlement  
2 Amendments of 2005.

3 “(3) **TERMINATION.**—The Office of Relocation  
4 shall terminate on the date on which the Secretary  
5 determines that the duties of the Office have been  
6 carried out.”.

7 **SEC. 109. REPORT.**

8 Section 13 of the Act of December 22, 1974 (25  
9 U.S.C. 640d–12) is amended—

10 (1) by striking “SEC. 13. (a) By no” and in-  
11 serting the following:

12 **“SEC. 9. REPORT.**

13 “(a) **IN GENERAL.**—Not”; and

14 (2) in subsection (b)—

15 (A) by striking “(b) The” and inserting  
16 the following:

17 “(b) **INCLUSIONS.**—The”; and

18 (B) by striking “contain, among other  
19 matters, the following:” and inserting “in-  
20 clude—”.

21 **SEC. 110. RELOCATION OF HOUSEHOLDS AND MEMBERS.**

22 Section 14 of the Act of December 22, 1974 (25  
23 U.S.C. 640d–13) is amended—

24 (1) by striking “SEC. 14. (a)” and inserting the  
25 following:

1 **“SEC. 10. RELOCATION OF HOUSEHOLDS AND MEMBERS.**

2 “(a) AUTHORIZATION.—”;

3 (2) in subsection (a)—

4 (A) in the first sentence—

5 (i) by striking “Consistent” and in-  
6 sserting the following:

7 “(1) IN GENERAL.—Consistent”;

8 (ii) by striking “section 8” each place  
9 it appears and inserting “section 4”; and10 (iii) by striking “section 3 or 4” and  
11 inserting “section 1”;

12 (B) by striking the second sentence;

13 (C) in the third sentence, by striking “No  
14 further” and inserting the following:

15 “(2) SETTLEMENTS OF NAVAJO.—No further”;

16 (D) in the fourth sentence, by striking “No  
17 further” and inserting the following:

18 “(3) SETTLEMENTS OF HOPI.—No further”;

19 and

20 (E) in the fifth sentence, by striking “No  
21 individual” and inserting the following:

22 “(4) GRAZING.—No individual”;

23 (3) in subsection (b)—

24 (A) by striking “(b) In addition” and in-  
25 sserting the following:

1 “(b) ADDITIONAL PAYMENTS TO HEADS OF HOUSE-  
2 HOLDS—In addition”;

3 (B) by striking “section 15” and inserting  
4 “section 11”; and

5 (C) by striking “section 13” and inserting  
6 “section 9”;

7 (4) in subsection (c), by striking “(c) No” and  
8 inserting the following:

9 “(c) PAYMENTS FOR PERSONS MOVING AFTER A  
10 CERTAIN DATE.—No”; and

11 (5) by adding at the end the following:

12 “(d) PROHIBITION.—No payment for benefits under  
13 this Act may be made to any head of a household if, as  
14 of September 30, 2005, that head of household has not  
15 been certified as eligible to receive the payment.”.

16 **SEC. 111. RELOCATION HOUSING.**

17 Section 15 of the Act of December 22, 1974 (25  
18 U.S.C. 640d-14) is amended—

19 (1) by striking “SEC. 15. (a)” and inserting the  
20 following:

21 **“SEC. 11. RELOCATION HOUSING.**

22 “(a) PURCHASE OF HABITATION AND IMPROVE-  
23 MENTS.—”;

24 (2) in subsection (a)—

- 1 (A) in the first sentence, by striking “The  
2 Commission” and inserting the following:  
3 “(1) IN GENERAL.—The Commission”; and  
4 (B) in the second sentence—  
5 (i) by striking “The purchase” and in-  
6 serting the following:  
7 “(2) PURCHASE PRICE.—The purchase”; and  
8 (ii) by striking “as determined under  
9 clause (2) of subsection (b) of section 13”;  
10 (3) in subsection (b)—  
11 (A) by striking “(b) In addition” and in-  
12 serting the following:  
13 “(b) REIMBURSEMENT FOR MOVING EXPENSES AND  
14 PAYMENT FOR REPLACEMENT DWELLING.—In addition”;  
15 (B) by striking “shall:” and inserting  
16 “shall—”; and  
17 (C) in paragraph (1), by inserting “and”  
18 after the semicolon at the end;  
19 (4) in subsection (c)—  
20 (A) by striking “(c) In implementing” and  
21 inserting the following:  
22 “(c) STANDARDS; CERTAIN PAYMENTS.—  
23 “(1) STANDARDS.—In carrying out”; and  
24 (B) in the second sentence—

1 (i) by striking “No payment” and in-  
2 serting the following:

3 “(2) CERTAIN PAYMENTS.—No payment”;

4 (ii) by striking “section 8” and insert-  
5 ing “section 4”; and

6 (iii) by striking “section 3 or 4” and  
7 inserting “section 1”;

8 (5) in subsection (d)—

9 (A) by striking “(d) The” and inserting  
10 the following:

11 “(d) METHODS OF PAYMENT.—The”;

12 (B) by striking “(1) Should” and inserting  
13 the following:

14 “(1) HOME OWNERSHIP OPPORTUNITY  
15 PROJECTS.—Should”;

16 (C) by striking “(2) Should” and inserting  
17 the following:

18 “(2) PURCHASED AND CONSTRUCTED DWELL-  
19 INGS.—Should”; and

20 (D) by striking “(3) Should” and inserting  
21 the following:

22 “(3) FAILURE TO ARRANGE RELOCATION.—  
23 Should”;

24 (6) in subsection (e)—



1 (A) by striking “(e) The” and inserting the  
2 following:

3 “(e) DISPOSAL OF ACQUIRED DWELLINGS AND IM-  
4 PROVEMENTS.—The”;

5 (B) by striking “section 8” and inserting  
6 “section 4”; and

7 (C) by striking “section 3 or 4” and in-  
8 serting “section 1”;

9 (7) in subsection (f), by striking “(f) Notwith-  
10 standing” and inserting the following:

11 “(f) PREFERENTIAL TREATMENT.—Notwith-  
12 standing”; and

13 (8) by striking subsection (g) and inserting the  
14 following:

15 “(g) BENEFITS HELD IN TRUST.—

16 “(1) IN GENERAL.—Not later than September  
17 30, 2008, the Commissioner shall notify the Sec-  
18 retary of the identity of any head of household that,  
19 as of that date—

20 “(A) is certified as eligible to receive bene-  
21 fits under this Act;

22 “(B) does not reside on land that has been  
23 partitioned to the Tribe of which the head of  
24 household is a member; and

25 “(C) has not received a replacement home.

1           “(2) TRANSFER OF FUNDS.—Not later than  
2           September 30, 2008, the Commissioner shall trans-  
3           fer to the Secretary any funds not used by the Com-  
4           missioner to make payments under this Act to eligi-  
5           ble heads of households.

6           “(3) DISPOSITION OF TRANSFERRED FUNDS.—

7           “(A) IN GENERAL.—The Secretary shall  
8           hold any funds transferred under paragraph (2)  
9           in trust for the heads of households described  
10          in paragraph (1)(A).

11          “(B) PAYMENT AMOUNTS.—Of the funds  
12          held in trust under subparagraph (A), the Sec-  
13          retary shall make payments to heads of house-  
14          holds described in paragraph (1)(A) in amounts  
15          that would have been made to the heads of  
16          households under this Act before September 30,  
17          2008—

18                 “(i) on receipt of a request of a head  
19                 of household, to be used for a replacement  
20                 home; or

21                 “(ii) on the date of death of the head  
22                 of household, if the head of household does  
23                 not make a request under clause (i), in ac-  
24                 cordance with subparagraph (C).

1           “(C) DISTRIBUTION OF FUNDS ON DEATH  
2           OF HEAD OF HOUSEHOLD.—If the Secretary  
3           holds funds in trust under this paragraph for a  
4           head of household described in paragraph  
5           (1)(A) on the death of the head of household,  
6           the Secretary shall—

7                   “(i) identify and notify any heir of the  
8                   head of household; and

9                   “(ii) distribute the funds held by the  
10                  Secretary for the head of household to any  
11                  heir—

12                           “(I) immediately, if the heir is at  
13                           least 18 years old; or

14                           “(II) if the heir is younger than  
15                           18 years old on the date on which the  
16                           Secretary identified the heir, on the  
17                           date on which the heir attains the age  
18                           of 18.

19           “(h) NOTIFICATION.—

20                   “(1) IN GENERAL.—Not later than 180 days  
21                   after the date of enactment of the Navajo-Hopi  
22                   Land Settlement Amendments of 2005, the Commis-  
23                   sioner shall notify each eligible head of household  
24                   who has not entered into a lease with the Hopi Tribe  
25                   to reside on land partitioned to the Hopi Tribe, in

1 accordance with section 700.138 of title 25, Code of  
2 Federal Regulations (or a successor regulation).

3 “(2) LIST.—On the date on which a notice pe-  
4 riod referred to in section 700.139 of title 25, Code  
5 of Federal Regulations (or a successor regulation),  
6 expires, the Commissioner shall submit to the Sec-  
7 retary and the United States Attorney for the Dis-  
8 trict of Arizona a list containing the name and ad-  
9 dress of each eligible head of household who—

10 “(A) continues to reside on land that has  
11 not been partitioned to the Tribe of the head of  
12 household; and

13 “(B) has not entered into a lease to reside  
14 on that land.

15 “(3) CONSTRUCTION OF REPLACEMENT  
16 HOMES.—Before July 1, 2008, but not later than 90  
17 days after receiving a notice of the imminent re-  
18 moval of a relocatee from land provided to the Hopi  
19 Tribe under this Act from the Secretary or the  
20 United States Attorney for the District of Arizona,  
21 the Commissioner may begin construction of a re-  
22 placement home on any land acquired under section  
23 6.

24 “(i) APPEALS.—

1           “(1) IN GENERAL.—The Commissioner shall es-  
2           tablish an expedited hearing procedure for any ap-  
3           peal relating to the denial of eligibility for benefits  
4           under this Act (including regulations promulgated  
5           pursuant to this Act) that is pending on, or filed  
6           after, the date of enactment of Navajo-Hopi Land  
7           Settlement Amendments of 2005.

8           “(2) FINAL DETERMINATIONS.—The hearing  
9           procedure established under paragraph (1) shall—

10                   “(A) provide for a hearing before an im-  
11                   partial third party, as the Commissioner deter-  
12                   mines necessary; and

13                   “(B) ensure that a final determination is  
14                   made by the Office of Navajo and Hopi Indian  
15                   Relocation for each appeal described in para-  
16                   graph (1) by not later than January 1, 2008.

17           “(3) NOTICE.—

18                   “(A) IN GENERAL.—Not later than 30  
19                   days after the date of enactment of the Navajo-  
20                   Hopi Land Settlement Amendments of 2005,  
21                   the Commissioner shall provide written notice  
22                   to any individual that the Commissioner deter-  
23                   mines may have the right to a determination of  
24                   eligibility for benefits under this Act.

1           “(B) REQUIREMENTS FOR NOTICE.—The  
2           notice provided under subparagraph (A) shall—

3                   “(i) specify that a request for a deter-  
4                   mination of eligibility for benefits under  
5                   this Act shall be presented to the Commis-  
6                   sion not later than 180 days after the date  
7                   on which the notice is issued; and

8                   “(ii) be provided—

9                           “(I) by mail (including means  
10                           other than certified mail) to the last  
11                           known address of the recipient; and

12                           “(II) in a newspaper of general  
13                           circulation in the geographic area in  
14                           which an address referred to in sub-  
15                           clause (I) is located.

16           “(j) PROCUREMENT OF SERVICES.—

17                   “(1) IN GENERAL.—Notwithstanding any other  
18                   provision of this Act, to ensure the full and fair eval-  
19                   uation of the requests referred to in subsection  
20                   (i)(3)(A) (including an appeal hearing before an im-  
21                   partial third party referred to in subsection  
22                   (i)(2)(A)), the Commissioner may enter into such  
23                   contracts or agreements to procure such services,  
24                   and employ such personnel (including attorneys), as  
25                   the Commissioner determines to be necessary.

1           “(2) DETAIL OF ADMINISTRATIVE LAW JUDGES  
2           OR HEARING OFFICERS.—The Commissioner may re-  
3           quest the Secretary to act through the Director of  
4           the Office of Hearings and Appeals to make avail-  
5           able to the Office of Navajo and Hopi Indian Relo-  
6           cation an administrative law judge or other hearing  
7           officer with appropriate qualifications to review the  
8           requests referred to in subsection (i)(3)(A), as deter-  
9           mined by the Commissioner.

10          “(k) APPEAL TO UNITED STATES CIRCUIT COURT OF  
11 APPEALS.—

12           “(1) IN GENERAL.—Subject to paragraph (3),  
13           any individual who, under the procedures established  
14           by the Commissioner pursuant to this section, is de-  
15           termined not to be eligible to receive benefits under  
16           this Act may appeal that determination to the  
17           United States Circuit Court of Appeals for the  
18           Ninth Circuit (referred to in this subsection as the  
19           ‘Circuit Court’).

20           “(2) REVIEW.—

21           “(A) IN GENERAL.—The Circuit Court  
22           shall, with respect to each appeal described in  
23           paragraph (1)—

24                   “(i) review the entire record (as cer-  
25                   tified to the Circuit Court under paragraph

1           (3)) on which a determination of the ineli-  
2           gibility of the appellant to receive benefits  
3           under this Act was based; and

4                   “(ii) on the basis of that review, af-  
5           firm or reverse that determination.

6                   “(B) STANDARD OF REVIEW.—The Circuit  
7           Court shall affirm any determination that the  
8           Circuit Court determines to be supported by  
9           substantial evidence.

10           “(3) NOTICE OF APPEAL.—

11                   “(A) IN GENERAL.—Not later than 30  
12           days after a determination of ineligibility under  
13           paragraph (1), an affected individual shall file  
14           a notice of appeal with—

15                           “(i) the Circuit Court; and

16                           “(ii) the Commissioner.

17                   “(B) CERTIFICATION OF RECORD.—On re-  
18           ceipt of a notice under subparagraph (A)(ii),  
19           the Commissioner shall submit to the Circuit  
20           Court the certified record on which the deter-  
21           mination that is the subject of the appeal was  
22           made.

23                   “(C) REVIEW PERIOD.— Not later than 60  
24           days after receiving a certified record under  
25           subparagraph (B), the Circuit Court shall con-



1 duct a review and file a decision regarding an  
 2 appeal in accordance with paragraph (2).

3 “(D) BINDING DECISION.—A decision  
 4 made by the Circuit Court under this sub-  
 5 section shall be final and binding on all par-  
 6 ties.”.

7 **SEC. 112. PAYMENT FOR USE OF LAND.**

8 Section 16 of the Act of December 22, 1974 (25  
 9 U.S.C. 640d–15) is amended—

10 (1) by striking “SEC. 16. (a) The Navajo” and  
 11 inserting the following:

12 **“SEC. 12. PAYMENT FOR USE OF LAND.**

13 “(a) IN GENERAL.—The Navajo”;

14 (2) in subsection (a), by striking “sections 8  
 15 and 3 or 4” and inserting “sections 1 and 4”; and

16 (3) in subsection (b)—

17 (A) by striking “(b) The” and inserting  
 18 the following:

19 “(b) PAYMENT.—The”; and

20 (B) by striking “sections 8 and 3 or 4”  
 21 and inserting “sections 1 and 4”.

22 **SEC. 113. EFFECT OF ACT.**

23 Section 17 of the Act of December 22, 1974 (25  
 24 U.S.C. 640d–16) is amended—

1 (1) by striking “SEC. 17. (a)” and inserting the  
2 following:

3 **“SEC. 13. EFFECT OF ACT.**

4 “(a) TITLE, POSSESSION, AND ENJOYMENT.—”;

5 (2) in subsection (a)—

6 (A) in the first sentence, by striking  
7 “Nothing” and inserting the following:

8 “(1) IN GENERAL.—Nothing”; and

9 (B) in the second sentence, by striking  
10 “Such” and inserting the following:

11 “(2) RESIDENCE ON OTHER RESERVATIONS.—  
12 Any”; and

13 (3) in subsection (b), by striking “(b) Nothing”  
14 and inserting the following:

15 “(b) FEDERAL EMPLOYEES.—Nothing”.

16 **SEC. 114. ACTIONS FOR ACCOUNTING, FAIR VALUE OF**  
17 **GRAZING, AND CLAIMS FOR DAMAGES TO**  
18 **LAND.**

19 Section 18 of the Act of December 22, 1974 (25  
20 U.S.C. 640d–17) is amended—

21 (1) by striking “SEC. 18. (a) Either” and in-  
22 serting the following:

1 **“SEC. 14. ACTIONS FOR ACCOUNTING, FAIR VALUE OF**  
2 **GRAZING, AND CLAIMS FOR DAMAGES TO**  
3 **LAND.**

4 “(a) ACTIONS BY TRIBES.—Either”;

5 (2) in subsection (a), by striking “section 3 or  
6 4” and inserting “section 1”;

7 (3) in subsection (b)—

8 (A) by striking “(b) Neither” and inserting  
9 the following:

10 “(b) DEFENSES.—Neither”; and

11 (B) by striking “section 3 or 4” and in-  
12 sserting “section 1”;

13 (4) in subsection (c)—

14 (A) by striking “(c) Either” and inserting  
15 the following:

16 “(c) FURTHER ORIGINAL, ANCILLARY, OR SUPPLE-  
17 MENTARY ACTS TO ENSURE QUIET ENJOYMENT.—

18 “(1) IN GENERAL.—Either”; and

19 (B) in the second sentence, by striking  
20 “Such actions” and inserting the following:

21 “(2) ACTION THROUGH CHAIRMAN.—An action  
22 under paragraph (1)”;

23 (5) in subsection (d)—

24 (A) by striking “(d) Except” and inserting  
25 the following:

1       “(d) UNITED STATES AS PARTY; JUDGMENTS  
2 AGAINST THE UNITED STATES—

3           “(1) IN GENERAL.—Except”; and

4           (B) in the second sentence, by striking  
5       “Any judgment or judgments” and inserting  
6       the following:

7           “(2) EFFECT OF JUDGMENTS.—Any judg-  
8       ment”; and

9           (6) in subsection (e), by striking “(e) All” and  
10       inserting the following:

11       “(e) REMEDIES.—All”.

12 **SEC. 115. JOINT USE.**

13       Section 19 of the Act of December 22, 1974 (25  
14 U.S.C. 640d–18) is amended—

15           (1) by striking “SEC. 19. (a) Notwithstanding”  
16       and inserting the following:

17 **“SEC. 15. JOINT USE.**

18       “(a) REDUCTION OF LIVESTOCK.—

19           “(1) IN GENERAL.—Notwithstanding”;

20           (2) in subsection (a)(1) (as designated by para-  
21       graph (1))—

22           (A) by striking “section 3 or 4” and in-  
23       serting “section 1”; and

1 (B) in the second sentence, by striking  
2 “The Secretary is directed to” and inserting the  
3 following:

4 “(2) CONSERVATION PRACTICES AND METH-  
5 ODS.—The Secretary shall”;

6 (3) in subsection (b)—

7 (A) by striking “(b) The” and inserting  
8 the following:

9 “(b) SURVEY LOCATION OF MONUMENTS AND FENC-  
10 ING OF BOUNDARIES.—The”; and

11 (B) by striking “sections 8 and 3 or 4”  
12 each place it appears and inserting “sections 1  
13 and 4”; and

14 (4) in subsection (c)—

15 (A) by striking “(c)(1) Surveying” and in-  
16 serting the following:

17 “(c) SURVEYING, MONUMENTING, AND FENCING;  
18 LIVESTOCK REDUCTION PROGRAM.—

19 “(1) SURVEYING, MONUMENTING, AND FENC-  
20 ING.—Surveying”;

21 (B) in paragraph (1)—

22 (i) by striking “section 4” and insert-  
23 ing “section 1”; and

24 (ii) by striking “section 8” and insert-  
25 ing “section 4”; and

1 (C) in paragraph (2), by striking “(2)  
2 The” and inserting the following:

3 “(2) LIVESTOCK REDUCTION PROGRAM.—The”.

4 **SEC. 116. RELIGIOUS CEREMONIES; PIPING OF WATER.**

5 Section 20 of the Act of December 22, 1974 (25  
6 U.S.C. 640d–19) is amended by striking “SEC. 20. The  
7 members” and inserting the following:

8 **“SEC. 16. RELIGIOUS CEREMONIAL USES; PIPING OF  
9 WATER.**

10 “The members”.

11 **SEC. 117. ACCESS TO RELIGIOUS SHRINES.**

12 Section 21 of the Act of December 22, 1974 (25  
13 U.S.C. 640d–20) is amended by striking “SEC. 21. Not-  
14 withstanding” and inserting the following:

15 **“SEC. 17. ACCESS TO RELIGIOUS SHRINES.**

16 “Notwithstanding”.

17 **SEC. 118. EXCLUSION OF PAYMENTS FROM CERTAIN FED-  
18 ERAL DETERMINATIONS OF INCOME.**

19 Section 22 of the Act of December 22, 1974 (25  
20 U.S.C. 640d–21) is amended—

21 (1) by striking “SEC. 22. The availability” and  
22 inserting the following:

23 **“SEC. 18. EXCLUSION OF PAYMENTS FROM CERTAIN FED-  
24 ERAL DETERMINATIONS OF INCOME.**

25 “(a) IN GENERAL.—The availability”; and

1           (2) by striking “None of the funds” and insert-  
2           ing the following:

3           “(b) FEDERAL AND STATE INCOME TAXES.—None  
4           of the funds”.

5   **SEC. 119. AUTHORIZATION OF EXCHANGE.**

6           Section 23 of the Act of December 22, 1974 (25  
7   U.S.C. 649d–22) is amended—

8           (1) by striking “SEC. 23. The Navajo” and in-  
9           serting the following:

10 **“SEC. 19. AUTHORIZATION OF EXCHANGE.**

11           “(a) IN GENERAL.—The Navajo”; and

12           (2) in the second sentence—

13           (A) by striking “In the event that the  
14           Tribes should” and inserting the following:

15           “(b) NEGOTIATED EXCHANGES.—If the Tribes”; and

16           (B) by striking “sections 14 and 15” and  
17           inserting “sections 10 and 11”.

18 **SEC. 120. SEVERABILITY.**

19           Section 24 of the Act of December 22, 1974 (25  
20   U.S.C. 640d–23) is amended by striking “SEC. 24. If”  
21   and inserting the following:

22 **“SEC. 20. SEVERABILITY.**

23           “*If*”.

1 **SEC. 121. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 25 of the Act of December 22, 1974 (25  
3 U.S.C. 640d-24) is—

4 (1) moved so as to appear at the end of the  
5 Act; and

6 (2) amended to read as follows:

7 **“SEC. 27. AUTHORIZATION OF APPROPRIATIONS.**

8 “(a) RELOCATION OF HOUSEHOLDS AND MEM-  
9 BERS.—There is authorized to be appropriated to carry  
10 out section 10(b) \$13,000,000.

11 “(b) RELOCATION OF HOUSEHOLDS AND MEM-  
12 BERS.—There are authorized to be appropriated to carry  
13 out section 11 such sums as are necessary for each of fis-  
14 cal years 2006 through 2008.

15 “(c) RETURN TO CARRYING CAPACITY AND INSTITU-  
16 TION OF CONSERVATION PRACTICES.—There is author-  
17 ized to be appropriated to carry out section 15(a)  
18 \$10,000,000.

19 “(d) SURVEY LOCATION OF MONUMENTS AND FENC-  
20 ING OF BOUNDARIES.—There is authorized to be appro-  
21 priated to carry out section 15(b) \$500,000.”.

22 **SEC. 122. FUNDING AND CONSTRUCTION OF HIGH SCHOOL**  
23 **AND MEDICAL CENTER.**

24 Section 27 of the Act of December 22, 1974 (25  
25 U.S.C. 640d-25) is amended by striking “SEC. 27.” and



1 all that follows through “(c) The Secretary” and inserting  
2 the following:

3 **“SEC. 21. FUNDING AND CONSTRUCTION OF HIGH SCHOOL**  
4 **AND MEDICAL CENTER.**

5 “The Secretary”.

6 **SEC. 123. ENVIRONMENTAL IMPACT; WILDERNESS STUDY;**  
7 **CANCELLATION OF LEASES AND PERMITS.**

8 Section 28 of the Act of December 22, 1974 (25  
9 U.S.C. 640d–26) is amended—

10 (1) by striking “SEC. 28. (a) No action” and  
11 inserting the following:

12 **“SEC. 22. ENVIRONMENTAL IMPACT; WILDERNESS STUDY;**  
13 **CANCELLATION OF LEASES AND PERMITS.**

14 “(a) IN GENERAL.—No action”;

15 (2) in subsection (b), by striking “(b) Any” and  
16 inserting the following:

17 “(b) EFFECT OF WILDERNESS STUDY.—Any”; and

18 (3) by adding at the end the following:

19 “(c) CONSTRUCTION REQUIREMENTS.—

20 “(1) IN GENERAL.—Any construction activity  
21 under this Act shall be carried out in accordance  
22 with sections 3 through 7 of the Act of June 27,  
23 1960 (16 U.S.C. 469a–1 through 469e).

24 “(2) COMPLIANCE WITH OTHER REQUIRE-  
25 MENTS.—If a construction activity meets the re-

1        requirements under paragraph (1), the activity shall  
 2        be considered to be in accordance with any applica-  
 3        ble requirement of—

4                    “(A) Public Law 89–665 (80 Stat. 915);

5                    and

6                    “(B) the Act of June 8, 1906 (34 Stat.  
 7                    225, chapter 3060).”.

8        **SEC. 124. ATTORNEY FEES AND COURT COSTS.**

9        Section 29 of the Act of December 22, 1974 (25  
 10       U.S.C. 640d–27) is amended—

11                (1) by striking “SEC. 29. (a)” and inserting the  
 12        following:

13        **“SEC. 23. ATTORNEY FEES AND COURT COSTS.**

14                “(a) IN GENERAL.—”;

15                (2) in subsection (a)—

16                    (A) by striking “In any” and inserting the  
 17        following:

18                    “(1) IN GENERAL.—In any”; and

19                    (B) by striking “For each” and inserting  
 20        the following:

21                    “(2) AUTHORIZATION OF APPROPRIATIONS.—

22        For each”;

23                (3) in subsection (b)—

24                    (A) by striking “(b) Upon” and inserting  
 25        the following:

1 “(b) AWARD BY COURT.—

2 “(1) IN GENERAL.—On”; and

3 (B) in the second sentence, by striking

4 “Any party” and inserting the following:

5 “(2) REIMBURSEMENT OF UNITED STATES.—

6 Any party”;

7 (4) in subsection (c), by striking “(c) To” and

8 inserting the following:

9 “(c) EXCESS DIFFERENCE.—To”; and

10 (5) in subsection (d)—

11 (A) by striking “(d) This” and inserting

12 the following:

13 “(d) APPLICATION OF SECTION.—This”; and

14 (B) by striking “section 8 or 18(a) of this

15 Act” and inserting “section 4 or section 14(a)”.

16 **SEC. 125. LOBBYING.**

17 Section 31 of the Act of December 22, 1974 (25

18 U.S.C. 640d–29) is amended—

19 (1) by striking “SEC. 31. (a) Except” and in-

20 sserting the following:

21 **“SEC. 24. LOBBYING.**

22 “(a) IN GENERAL.—Except”; and

23 (2) in subsection (b), by striking “(b) Sub-

24 section” and inserting the following:

25 “(b) APPLICABILITY.—Subsection”.

1 **SEC. 126. NAVAJO REHABILITATION TRUST FUND.**

2 The first section designated as section 32 of the Act  
3 of December 22, 1974 (25 U.S.C. 640d-30) is amended—

4 (1) by striking “SEC. 32. (a) There” and in-  
5 sserting the following:

6 **“SEC. 25. NAVAJO REHABILITATION TRUST FUND.**

7 “(a) ESTABLISHMENT.—There”;

8 (2) in subsection (b), by striking “(b) All” and in-  
9 sserting the following:

10 “(b) DEPOSIT OF INCOME INTO FUND.—All”;

11 (3) in subsection (c), by striking “(c) The” and  
12 inserting the following:

13 “(c) INVESTMENT OF FUNDS.—The”;

14 (4) in subsection (d)—

15 (A) by striking “(d) Funds” and inserting  
16 the following:

17 “(d) AVAILABILITY OF FUNDS.—Funds”;

18 (B) in paragraph (1), by striking “pro-  
19 ceedings,” and inserting “proceedings;” and

20 (C) in paragraph (2), by striking “Act, or”  
21 and inserting “Act; or”;

22 (5) in subsection (e)—

23 (A) by striking “(e) By December 1” and  
24 inserting the following:

25 “(e) EXPENDITURE OF FUNDS.—

1           “(1) IN GENERAL.—Not later than December  
2           1”;

3           (B) in the second sentence, by striking  
4           “Such framework is to be” and inserting the  
5           following:

6           “(2) REQUIREMENT.—The framework under  
7           paragraph (1) shall be”;

8           (6) in subsection (f)—

9           (A) by striking “(f) The” and inserting the  
10          following:

11         “(f) TERMINATION.—

12         “(1) IN GENERAL.—The”;

13         (B) in the second sentence, by striking  
14         “All funds” and inserting the following:

15         “(2) TRANSFER OF REMAINING FUNDS.—All  
16         funds”;

17         (7) in subsection (g)—

18         (A) by striking “(g) There is hereby” and  
19         inserting the following:

20         “(g) AUTHORIZATION OF APPROPRIATIONS.—

21         “(1) IN GENERAL.—There is”;

22         (B) in the first sentence, by striking  
23         “1990, 1991, 1992, 1993, 1994, and 1995”  
24         and inserting “2006 through 2008”;

1 (C) in the second sentence, by striking  
 2 “The income” and inserting the following:  
 3 “(2) INCOME FROM LAND.—The income”.

4 **SEC. 127. AVAILABILITY OF FUNDS FOR RELOCATION AS-**  
 5 **SISTANCE.**

6 The second section designated as section 32 of the  
 7 Act of December 22, 1974 (25 U.S.C. 640–31) is amended  
 8 by striking “SEC. 32. Nothing” and inserting the fol-  
 9 lowing:

10 **“SEC. 26. AVAILABILITY OF FUNDS FOR RELOCATION AS-**  
 11 **SISTANCE.”.**

12 “Nothing”.

13 **TITLE II—PERSONNEL OF THE**  
 14 **OFFICE OF NAVAJO AND HOPI**  
 15 **INDIAN RELOCATION**

16 **SEC. 201. RETENTION PREFERENCE.**

17 The second sentence of section 3501(b) of title 5,  
 18 United States Code, is amended—

19 (1) by striking “or” after “Senate” and insert-  
 20 ing a comma;

21 (2) by striking “or” after “Service” and insert-  
 22 ing a comma; and

23 (3) by inserting “, or to an employee of the Of-  
 24 fice of Navajo and Hopi Indian Relocation” before  
 25 the period.

1 **SEC. 202. SEPARATION PAY.**

2 (a) IN GENERAL.—Chapter 55 of title 5, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing:

5 **“§ 5598 Separation pay for certain employees of the**  
6 **Office of Navajo and Hopi Indian Reloca-**  
7 **tion**

8 “(a) IN GENERAL.—Except as provided in sub-  
9 sections (b) and (c), the Commissioner of the Office of  
10 Navajo and Hopi Indian Relocation shall establish a pro-  
11 gram to offer separation pay to employees of the Office  
12 of Navajo and Hopi Indian Relocation (referred to in this  
13 section as the ‘Office’) in the same manner as the Sec-  
14 retary of Defense offers separation pay to employees of  
15 a defense agency under section 5597.

16 “(b) SEPARATION PAY.—

17 “(1) IN GENERAL.—Under the program estab-  
18 lished under subsection (a), the Commissioner of the  
19 Office may offer separation pay only to employees  
20 within an occupational group or at a pay level that  
21 minimizes the disruption of ongoing Office programs  
22 at the time that the separation pay is offered.

23 “(2) REQUIREMENT.—Any separation pay of-  
24 fered under this subsection—

25 “(A) shall be paid in a lump sum;

1           “(B) shall be in an amount equal to  
2           \$25,000, if paid on or before December 31,  
3           2007;

4           “(C) shall be in an amount equal to  
5           \$20,000, if paid after December 31, 2007, and  
6           before January 1, 2009;

7           “(D) shall be in an amount equal to  
8           \$15,000, if paid after December 31, 2008, and  
9           before January 1, 2010;

10          “(E) shall not—

11                 “(i) be a basis for payment;

12                 “(ii) be considered to be income for  
13                 the purposes of computing any other type  
14                 of benefit provided by the Federal Govern-  
15                 ment; and

16          “(F) if an individual is otherwise entitled  
17           to receive any severance pay under section 5595  
18           on the basis of any other separation, shall not  
19           be payable in addition to the amount of the sev-  
20           erance pay to which that individual is entitled  
21           under section 5595.

22          “(c) PROHIBITION.—No amount shall be payable  
23          under this section to any employee of the Office for any  
24          separation occurring after December 31, 2009.”.



1 (b) CONFORMING AMENDMENT.—The chapter anal-  
 2 ysis for chapter 55 of title 5 is amended by adding at the  
 3 end the following:

“5598. Separation pay for certain employees of the Office of Navajo and Hopi  
 Indian Relocation.”.

4 **SEC. 203. FEDERAL RETIREMENT.**

5 (a) CIVIL SERVICE RETIREMENT SYSTEM.—

6 (1) IMMEDIATE RETIREMENT.—Section  
 7 8336(j)(1)(B) of title 5, United States Code, is  
 8 amended by inserting “or was employed by the Of-  
 9 fice of Navajo and Hopi Indian Relocation during  
 10 the period beginning on January 1, 1985, and end-  
 11 ing on the date of separation of that employee” be-  
 12 fore the final comma.

13 (2) COMPUTATION OF ANNUITY.—Section  
 14 8339(d) of title 5, United States Code, is amended  
 15 by adding at the end the following:

16 “(8) The annuity of an employee of the Office of Nav-  
 17 ajo and Hopi Indian Relocation described in section  
 18 8336(j)(1)(B) shall be determined under subsection (a),  
 19 except that with respect to service of that employee on  
 20 or after January 1, 1985, the annuity of that employee  
 21 shall be in an amount equal to the sum of—

22 “(A) the product obtained by multiplying—

23 “(i) 2½ percent of the average pay of the  
 24 employee; and

1           “(ii) the quantity of service of the employee on  
2 or after January 1, 1985, that does not exceed 10  
3 years; and

4           “(B) the product obtained by multiplying—

5                 “(i) 2 percent of the average pay of the  
6 employee; and

7                 “(ii) the quantity of the service of the em-  
8 ployee on or after January 1, 1985, that ex-  
9 ceeds 10 years.”.

10       (b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

11           (1) IMMEDIATE RETIREMENT.—Section 8412 of  
12 title 5, United States Code, is amended by adding  
13 at the end the following:

14           “(i) An employee of the Office of Navajo and Hopi  
15 Indian Relocation is entitled to an annuity if that em-  
16 ployee—

17                 “(1) has been continuously employed in the Of-  
18 fice of Navajo and Hopi Indian Relocation during  
19 the period beginning on January 1, 1985, and end-  
20 ing on the date of separation of that individual; and

21                 “(2)(A) has completed 25 years of service at  
22 any age; or

23                 “(B) has attained the age of 50 years and has  
24 completed 20 years of service.”.

1           (2) COMPUTATION OF BASIC ANNUITY.—Section  
2       8415 of title 5, United States Code, is amended—

3           (1) by redesignating subsection (*l*) as subsection  
4       (m);

5           (2) by redesignating the second subsection des-  
6       ignated as subsection (*k*) as subsection (*l*); and

7           (3) by adding at the end the following:

8       “(n) The annuity of an employee retiring under sec-  
9       tion 8412(i) shall be determined in accordance with sub-  
10      section (d), except that with respect to service during the  
11      period beginning on January 1, 1985, the annuity of the  
12      employee shall be an amount equal to the sum of—

13           “(1) the product obtained by multiplying—

14                   “(A) 2 percent of the average pay of the  
15                   employee; and

16                   “(B) the quantity of the total service of  
17                   the employee that does not exceed 10 years;  
18                   and

19           “(2) the product obtained by multiplying—

20                   “(A) 1½ percent of the average pay of the  
21                   employee; and

22                   “(B) the quantity of the total service of  
23                   the employee that exceeds 10 years.”.

1 **TITLE III—TRANSFER OF FUNC-**  
2 **TIONS AND SAVINGS PROVI-**  
3 **SIONS**

4 **SEC. 301. DEFINITIONS.**

5 In this title:

6 (1) **FEDERAL AGENCY.**—The term “Federal  
7 agency” has the meaning given the term “agency”  
8 in section 551(1) of title 5, United States Code.

9 (2) **FUNCTION.**—The term “function” means  
10 any duty, obligation, power, authority, responsibility,  
11 right, privilege, activity, or program.

12 (3) **OFFICE.**—The term “Office” means the Of-  
13 fice of Navajo and Hopi Relocation (including any  
14 component of that office).

15 **SEC. 302. TRANSFER OF FUNCTIONS.**

16 Effective on the date of enactment of this Act, there  
17 is transferred to the Secretary of the Interior any function  
18 of the Office that has not been carried out by the Office  
19 on the date of enactment of this Act, as determined by  
20 the Secretary of the Interior in accordance with the Act  
21 of December 22, 1974 (25 U.S.C. 640 et seq.) (as amend-  
22 ed by title I).

1 **SEC. 303. TRANSFER AND ALLOCATIONS OF APPROPRIA-**  
2 **TIONS.**

3 (a) IN GENERAL.—Except as otherwise provided in  
4 this Act and the amendments made by this Act, any asset,  
5 liability, contract, property, record, or unexpended balance  
6 of appropriations, authorizations, allocations, and other  
7 funds made available to carry out the functions trans-  
8 ferred by this title shall be transferred to the Secretary  
9 of the Interior, subject to section 1531 of title 31, United  
10 States Code.

11 (b) USE OF FUNDS.—Any unexpended funds trans-  
12 ferred under subsection (a) shall be used only for the pur-  
13 poses for which the funds were originally authorized and  
14 appropriated.

15 **SEC. 304. EFFECT OF TITLE.**

16 (a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—  
17 Any legal document relating to a function transferred by  
18 this title that is in effect on the date of enactment of this  
19 Act shall continue in effect in accordance with the terms  
20 of the document until the document is modified or termi-  
21 nated by—

- 22 (1) the President;  
23 (2) the Secretary of the Interior;  
24 (3) a court of competent jurisdiction; or  
25 (4) operation of Federal or State law.

1       (b) PROCEEDINGS NOT AFFECTED.—This title shall  
2 not affect any proceeding (including a notice of proposed  
3 rulemaking, an administrative proceeding, and an applica-  
4 tion for a license, permit, certificate, or financial assist-  
5 ance) relating to a function transferred under this title  
6 that is pending before the Office of Navajo and Hopi Relo-  
7 cation on the date of enactment of this Act.

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