

111TH CONGRESS
2D SESSION

H. R. 6525

To provide for development of the Former Bennett Freeze Area, to contribute to the rehabilitation of the economic, housing, infrastructure, health, and educational condition of those affected by the former Bennett Freeze, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 15, 2010

Mrs. KIRKPATRICK of Arizona introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for development of the Former Bennett Freeze Area, to contribute to the rehabilitation of the economic, housing, infrastructure, health, and educational condition of those affected by the former Bennett Freeze, 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.**

4 This Act may be cited as the “Former Bennett
5 Freeze Area Development Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ONHIR.—The term “ONHIR” means the
4 Office of Navajo and Hopi Indian Relocation.

5 (2) SECRETARY.—The term “Secretary” means
6 the Secretary of the Interior.

7 (3) TRUST FUND.—The term “Trust Fund”
8 means the Former Bennett Freeze Area Rehabilita-
9 tion Trust Fund established under this Act.

10 **SEC. 3. ONHIR TRANSITION.**

11 (a) REQUEST BY TRIBE; AUTHORIZED PROGRAMS.—

12 Upon the request of the Navajo Nation or the Hopi Tribe
13 by tribal resolution, the Commissioner of the Office of
14 Navajo and Hopi Indian Relocation shall enter into a self-
15 determination contract or contracts with the requesting
16 Indian tribe to plan, conduct, and administer programs,
17 functions, services, or activities (or portion thereof), in-
18 cluding construction programs administered by the Com-
19 missioner that pertain directly to the requesting Indian
20 tribe. Programs, functions, services, or activities con-
21 tracted under this subsection shall include administrative
22 functions of the Office of Navajo and Hopi Indian Reloca-
23 tion that support the delivery of services to Indians, in-
24 cluding those administrative activities supportive of, but
25 not included as part of, the service delivery programs de-
26 scribed in this subsection that are otherwise contractable.

1 Such administrative functions shall be contractable with-
2 out regard to the organizational level within the Office of
3 Navajo and Hopi Indian Relocation that carries out such
4 functions.

5 (b) REGULATIONS.—The Commissioner shall issue
6 regulations implementing subsection (a) that, to the max-
7 imum extent feasible—

8 (1) parallel the requirements of the Indian Self-
9 Determination and Education Assistance Act (25
10 U.S.C. 450f); and

11 (2) reflect the independent agency status of the
12 Office of Navajo and Hopi Indian Relocation.

13 **SEC. 4. FORMER BENNETT FREEZE AREA REHABILITATION**
14 **TRUST FUND.**

15 (a) ESTABLISHMENT.—There is hereby established in
16 the Treasury of the United States a trust fund to be
17 known as the Former Bennett Freeze Area Rehabilitation
18 Trust Fund, which shall consist of the funds appropriated
19 pursuant to subsection (f) of this section and any interest
20 or investment income accrued on such funds.

21 (b) SECRETARY AS TRUSTEE; INVESTMENT OF
22 FUNDS.—The Secretary shall be the trustee of the Former
23 Bennett Freeze Area Rehabilitation Trust Fund and shall
24 be responsible for investment of the funds in such Trust
25 Fund. Notwithstanding the foregoing, upon receipt and

1 approval of a plan for the use of those funds consistent
2 with subsection (c), the Secretary shall transfer these
3 funds to the Navajo-Hopi Land Commission Office of the
4 Navajo Nation, or its designee, as trustee.

5 (c) AVAILABILITY OF FUNDS; PURPOSES.—Funds in
6 the Former Bennett Freeze Area Rehabilitation Trust
7 Fund, including any interest or investment accruing there-
8 on, shall be available to the Navajo Nation solely for pur-
9 poses which will contribute to the continuing rehabilitation
10 and improvement of the economic, housing, infrastructure,
11 health, educational, and social condition of families, and
12 Navajo communities, that have been affected by the
13 former Bennett Freeze.

14 (d) DEPOSITS TO TRUST FUND.—The Trust Fund
15 shall consist of—

16 (1) a set-aside each fiscal year of 0.75 percent
17 of any amounts appropriated for the Operation of
18 Indian Programs budget of the Bureau of Indian Af-
19 fairs;

20 (2) a set-aside each fiscal year of 5.0 percent
21 of any amounts appropriated for the Indian Housing
22 Block Grant Program under title I of the Native
23 American Housing and Self-Determination Act of
24 1996;

1 (3) a set-aside each fiscal year of 0.75 percent
2 of any amounts appropriated for the Rural Develop-
3 ment Program (title III); and

4 (4) any amounts appropriated, transferred, or
5 credited to the Trust Fund under any provision of
6 law.

7 (e) TERMINATION OF TRUST FUND.—The Rehabili-
8 tation Trust Fund shall terminate when, upon petition by
9 the Navajo Nation, the Secretary determines that the
10 goals of the Trust Fund have been met. All funds in the
11 Trust Fund on such date shall be transferred to the
12 Treasury.

13 (f) AUTHORIZATION OF APPROPRIATIONS; REIM-
14 BURSEMENT OF GENERAL FUND.—There is hereby au-
15 thorized to be appropriated for the Former Bennett
16 Freeze Area Rehabilitation Trust Fund such sums as may
17 be necessary for each of fiscal years 2011 through 2025.

18 **SEC. 5. MISCELLANEOUS.**

19 (a) EXPANSION OF ONHIR AUTHORITY.—Section 12
20 of Public Law 93–531 (25 U.S.C. 640d–11(d)) is amend-
21 ed by adding at the end the following:

22 “(4) The Commissioner is authorized to carry
23 out a rehabilitation program to redress the effects of
24 Federal development restrictions (commonly referred
25 to as the ‘Bennett Freeze’) in the western portion of

1 the Navajo Reservation. This program shall be lim-
2 ited to housing construction and renovation, infra-
3 structure improvements, and economic development
4 initiatives.

5 “(5) There are authorized to be appropriated
6 such sums as may be necessary to carry out the pro-
7 gram described in paragraph 4.”.

8 (b) NAVAJO REHABILITATION TRUST FUND.—Sec-
9 tion 32 of Public Law 93–531 (25 U.S.C. 640d–30) is
10 amended—

11 (1) in the first sentence of subsection (f), by
12 striking “and the United States has been reimbursed
13 for funds appropriated under subsection (f) of this
14 section”;

15 (2) in the first sentence of subsection (g), by
16 striking “1990, 1991, 1992, 1993, and 1994” and
17 all that follows through the final period and insert-
18 ing “2011, 2012, 2013, 2014, and 2015.”; and

19 (3) in subsection (g), by striking the second
20 sentence.

21 (c) RELOCATION OF HOUSEHOLDS AND MEMBERS.—
22 Section 1 of Public Law 93–531 (25 U.S.C. 640d) is
23 amended by adding at the end the following new sub-
24 section:

1 “(f) The Navajo Nation has the right to negotiate
 2 and approve an Accommodation Agreement with the Hopi
 3 Tribe for any Navajo head of household residing on Hopi
 4 Partitioned Land that has not otherwise entered into an
 5 Accommodation Agreement but intends to remain on the
 6 Hopi Partitioned Land.”.

7 (d) RELINQUISHMENT OF ACCOMMODATION AGREE-
 8 MENT AND ELIGIBILITY FOR RELOCATION BENEFITS.—
 9 The Navajo-Hopi Land Dispute Settlement Act of 1996
 10 is amended by adding a new section 13 as follows:

11 **“SEC. 13. RELINQUISHMENT OF ACCOMMODATION AGREE-**
 12 **MENT AND ELIGIBILITY FOR RELOCATION**
 13 **BENEFITS.**

14 “Notwithstanding any other provision of this Act, the
 15 Settlement Agreement, or the Accommodation Agreement,
 16 any Navajo family that has entered into an Accommoda-
 17 tion Agreement shall have the right—

18 “(1) to relinquish that Agreement at any time
 19 up until the closure of the Office of Navajo and
 20 Hopi Indian Relocation; and

21 “(2) after relinquishment under paragraph (1),
 22 to receive the full relocation benefits to which the
 23 family would otherwise have been entitled had the
 24 family not signed the Accommodation Agreement,

1 including relocation housing, counseling, and other
2 services.”.

3 (e) APPROPRIATIONS.—There are authorized to be
4 appropriated such sums as are necessary to carry out the
5 programs set forth in the amendments made by this sec-
6 tion. Funds appropriated under this subsection shall be
7 in addition to funds made available for use on the Navajo
8 and Hopi Reservations out of appropriations heretofore or
9 hereafter granted for the benefit, care, or assistance of
10 Indians in general, or made pursuant to other authoriza-
11 tions in effect on the date of the enactment of this Act.

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