

113TH CONGRESS
2D SESSION

H. R. 5039

To make technical amendments to Public Law 93–531, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2014

Mrs. KIRKPATRICK introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To make technical amendments to Public Law 93–531, 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. NAVAJO RESERVATION BOUNDARY CLARIFICA-**
4 **TION.**

5 Subsection (b) of section 11 of the Act of December
6 22, 1974 (25 U.S.C. 640d–10(b)) is amended—

7 (1) by striking “present boundary of the Navajo
8 Reservation” and inserting “trust lands of the Nav-
9 ajo Tribe, including the bands of the Navajo Tribe,
10 as of January 1, 2014”; and

1 (2) by striking “present boundary of the res-
2 ervation” and inserting “trust lands of the Navajo
3 Tribe, including the bands of the Navajo Tribe, as
4 of January 1, 2014”.

5 **SEC. 2. RESELECTION OF LANDS TO CORRECT SURVEYING**
6 **ERROR.**

7 Section 11 of the Act of December 22, 1974 (25
8 U.S.C. 640d–10) is amended by adding at the end the fol-
9 lowing:

10 “(j) The Navajo Tribe shall have the right to deselect
11 not more than 757 acres of the land selected under this
12 section as of January 1, 2014, whether or not that land
13 has already been taken into trust by the Secretary. Trust
14 land deselected by the Navajo Tribe shall be taken out
15 of trust and shall be administered by the Bureau of Land
16 Management. The Navajo Tribe shall then have the right
17 to reselect up to the same amount of land that is
18 deselected and returned, in accordance with the provisions
19 of this section.”.

20 **SEC. 3. FAIR RENTAL VALUE PAYMENTS REPORT.**

21 Not later than 90 days after the date of the enact-
22 ment of this Act, the Secretary of the Interior shall submit
23 a report to the Committee on Natural Resources in the
24 House of Representatives and the Committee on Indian
25 Affairs in the Senate a report that contains the following:

1 (1) The dates that the Secretary rendered ini-
2 tial rental decisions on annual rents owed by the
3 Navajo Tribe to the Hopi Tribe pursuant to section
4 16(a) of the Act of December 22, 1974 (25 U.S.C.
5 640d–15(a)) for each of years 2001 through 2013,
6 including an explanation for any delay longer than
7 12 months after the end of any year during that pe-
8 riod.

9 (2) The current status of all rental determina-
10 tions for each of years 2001 through 2013, and, to
11 the extent appeals are pending with the Secretary,
12 where these appeals are pending, and how long such
13 appeals have been pending at that locale.

14 (3) To the extent that rental determinations
15 have been delayed, the role, if any, in the delay that
16 has been the result of contracts with the Bureau of
17 Indian Affairs related to a contract under the Indian
18 Self-Determination Act (25 U.S.C. 450f).

19 (4) What contract provisions, if any, have been
20 included in any contract under the Indian Self-De-
21 termination Act (25 U.S.C. 450f) between the Bu-
22 reau of Indian Affairs and any contractor to ensure
23 that the contractor’s performance of those functions
24 which are otherwise the obligations of the Bureau of
25 Indian Affairs to carry out the requirements of sec-

tion 16(a) of the Act of December 22, 1974 (25 U.S.C. 640d–15(a)) is free from conflicts of interest as required by part 900.231 through part 900.236 of title 25, Code of Federal Regulations.

(5) The total amount that the Navajo Tribe has paid as rent and interest pursuant to section 16(a) of the Act of December 22, 1974 (25 U.S.C. 640d–15(a)), including the amount of prejudgment interest paid by the Navajo Tribe and the amount of post-judgment interest paid by the Navajo Tribe.

(6) A plan to bring initial rental determinations current through the 2014 year as of April 1, 2015.

(7) A plan to ensure that, beginning on April 1, 2016, all annual rental determinations are completed and delivered to the Navajo Tribe and the Hopi Tribe on or before April 1 of each year.

**SEC. 4. NAVAJO TRIBE SOVEREIGNTY EMPOWERMENT
DEMONSTRATION PROJECT.**

(a) NAVAJO SOVEREIGNTY EMPOWERMENT ZONES.—The Navajo Tribe shall have the authority to designate up to 150,000 acres within one or more of the following, which shall be designated as Navajo Sovereignty Empowerment Zones:

1 (1) All lands selected by the Navajo Tribe pur-
2 suant to section 11 of the Act of December 22, 1974
3 (25 U.S.C. 640d–10).

4 (2) The lands within that portion of the Navajo
5 Reservation lying west of the Executive Order Res-
6 ervation of 1882 and bounded on the north and
7 south by westerly extensions, to the reservation line,
8 of the northern and southern boundaries of said Ex-
9 ecutive Order Reservation (formerly known as the
10 “Bennett Freeze” area).

11 (3) All lands partitioned to the Navajo Tribe
12 pursuant to sections 3 and 4 of the Act of December
13 22, 1974 (25 U.S.C. 640d–2 and 640d–3).

14 (b) APPLICABILITY OF CERTAIN LAWS.—Within the
15 Navajo Sovereignty Empowerment Zones, the following
16 laws are waived with regard to renewable energy develop-
17 ment, housing development, public and community facili-
18 ties, and infrastructure development (such as water and
19 wastewater development, roads, transmission lines, gas
20 lines, and rights-of-way):

21 (1) The Wilderness Act (16 U.S.C. 1131 et
22 seq.).

23 (2) The National Environmental Policy Act of
24 1969 (42 U.S.C. 4321 et seq.).

1 (3) The Endangered Species Act of 1973 (16
2 U.S.C. 1531 et seq.).

3 (4) The National Historic Preservation Act (16
4 U.S.C. 470 et seq.).

5 (5) Public Law 86–523 (16 U.S.C. 469 et seq.).

6 (6) The Act of June 8, 1906 (commonly known
7 as the “Antiquities Act of 1906” (16 U.S.C. 431 et
8 seq.)).

9 (7) The Federal Land Policy and Management
10 Act of 1976 (43 U.S.C. 1701 et seq.).

11 (8) The National Wildlife Refuge System Ad-
12 ministration Act of 1966 (16 U.S.C. 668dd et seq.).

13 (9) The Fish and Wildlife Act of 1956 (16
14 U.S.C. 742a et seq.).

15 (10) The Fish and Wildlife Coordination Act
16 (16 U.S.C. 661 et seq.).

17 (11) Subchapter II of chapter 5, and chapter 7,
18 of title 5, United States Code (commonly known as
19 the “Administrative Procedure Act”).

20 (12) The National Park Service Organic Act
21 (16 U.S.C. 1 et seq.).

22 (13) The General Authorities Act of 1970
23 (Public Law 91–383) (16 U.S.C. 1a–1 et seq.).

1 (14) Sections 401(7), 403, and 404 of the Na-
2 tional Parks and Recreation Act of 1978 (Public
3 Law 95–625, 92 Stat. 3467).

4 (15) The Arizona Desert Wilderness Act of
5 1990 (16 U.S.C. 1132 note; Public Law 101–628).

6 (c) TRIBAL SOVEREIGNTY.—Nothing in this section
7 supersedes, replaces, negates, or diminishes—

8 (1) the laws and regulations of the Navajo Na-
9 tion which shall remain in full force and effect with-
10 in the Navajo Sovereignty Empowerment Zones; or

11 (2) the treaties or other agreements between
12 the United States and the Navajo Tribe.

13 (d) NAVAJO-HOPI DISPUTE SETTLEMENT ACT.—
14 Nothing in this section waives the provisions of the Nav-
15 ajo-Hopi Dispute Settlement Act of 1996 (25 U.S.C. 640d
16 note).

17 (e) FUNDING AND GRANTS.—Nothing in this section
18 negates or diminishes the eligibility of the Navajo Tribe
19 to receive or continue to receive funding and grants under
20 the Navajo-Hopi Dispute Settlement Act of 1996 or any
21 other laws of the United States.

1 **SEC. 5. RELINQUISHMENT OF ACCOMMODATION AGREE-**
2 **MENT AND ELIGIBILITY FOR RELOCATION**
3 **BENEFITS.**

4 The Navajo-Hopi Land Dispute Settlement Act of
5 1996 (25 U.S.C. 640d note) is amended by adding at the
6 end the following:

7 **“SEC. 13. RELINQUISHMENT OF ACCOMMODATION AGREE-**
8 **MENT AND ELIGIBILITY FOR RELOCATION**
9 **BENEFITS.**

10 “(a) IN GENERAL.—Notwithstanding any other pro-
11 vision of this Act, the Settlement Agreement, or the Ac-
12 commodation Agreement, any Navajo head of household,
13 or the successor thereto if such person is no longer the
14 head of household, that has entered into an Accommoda-
15 tion Agreement shall have the following rights:

16 “(1) To relinquish that Agreement for up to
17 two years after the effective date of this section.

18 “(2) After a relinquishment under paragraph
19 (1), to receive the full relocation benefits to which
20 the Navajo head of household would otherwise have
21 been entitled had the head of household not signed
22 the Accommodation Agreement, including relocation
23 housing, counseling, and other services. In the event
24 that the Navajo head of household is no longer the
25 head of household, the successor thereto shall be en-
26 titled to receive the full relocation benefits.

1 “(b) TIMING.—A relinquishment under subsection
2 (a) shall not go into effect until the Office of Navajo and
3 Hopi Indian Relocation provides the full relocation bene-
4 fits to the Navajo head of household, or successor there-
5 to.”.

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

7 Section 32 of Public Law 93–531 (25 U.S.C. 640d–
8 30) is amended—

9 (1) in subsection (d)—

10 (A) in paragraph (2), by striking “or”;

11 (B) in paragraph (3), by striking the pe-
12 riod at the end and inserting “, or”; and

13 (C) by adding at the end the following:

14 “(4) at the discretion of the Navajo Tribe, to
15 use for development in the Navajo Sovereignty Em-
16 powerment Zones established pursuant to section
17 104.”;

18 (2) in the first sentence of subsection (f), by
19 striking “and the United States has been reimbursed
20 for funds appropriated under subsection (f) of this
21 section”; and

22 (3) in subsection (g)—

23 (A) in the first sentence, by striking
24 “1990, 1991, 1992, 1993, and 1994” and all

1 that follows through the final period and insert-
2 ing “2014, 2015, 2016, 2017, and 2018.”; and
3 (B) by striking the second sentence.

○