

(2) world peace;
 (3) the culture of the United States or the world; or

(4) the citizens of the United States or the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should award the Presidential Medal of Freedom posthumously to Leroy "Satchel" Paige in honor of his distinguished baseball career and the contributions that he has made to the improvement of the society of the United States and the world.

GREATER WASHINGTON SOAP BOX DERBY RACES

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con Res. 349, just received from the House, and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 349) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. ENSIGN. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 349) was agreed to.

The preamble was agreed to.

DECLARING LUNG CANCER A PUBLIC HEALTH PRIORITY

Mr. ENSIGN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration and the Senate now proceed to S. Res. 408.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 408) expressing the sense of the Senate that the President should declare lung cancer a public health priority.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 408) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 408

Expressing the sense of the Senate that the President should declare lung cancer a public health priority and should implement a

comprehensive interagency program that will reduce lung cancer mortality by at least 50 percent by 2015.

Whereas lung cancer is the leading cause of cancer death for both men and women, accounting for 28 percent of all cancer deaths;

Whereas lung cancer kills more people annually than breast cancer, prostate cancer, colon cancer, liver cancer, melanoma, and kidney cancer combined;

Whereas, since the National Cancer Act of 1971 (Public Law 92-218; 85 Stat. 778), coordinated and comprehensive research has elevated the 5-year survival rates for breast cancer to 87 percent, for prostate cancer to 99 percent, and colon cancer to 64 percent;

Whereas the survival rate for lung cancer is still only 15 percent and a similar coordinated and comprehensive research effort is required to achieve increases in lung cancer survivability rates;

Whereas 60 percent of lung cancer is now diagnosed in nonsmokers and former smokers;

Whereas ¾ of nonsmokers diagnosed with lung cancer are women;

Whereas certain minority populations, such as black males, have disproportionately high rates of lung cancer incidence and mortality, notwithstanding their lower smoking rate;

Whereas members of the Baby Boomer generation are entering their sixties, the most common age for the development of cancer;

Whereas tobacco addiction and exposure to other lung cancer carcinogens such as Agent Orange and other herbicides and battlefield emissions are serious problems among military personnel and war veterans;

Whereas the August 2001 Report of the Lung Cancer Progress Review Group of the National Cancer Institute stated that funding for lung cancer research was "far below the levels characterized for other common malignancies and far out of proportion to its massive health impact";

Whereas the Report of the Lung Cancer Progress Review Group identified as its "highest priority" the creation of integrated, multidisciplinary, multi-institutional research consortia organized around the problem of lung cancer rather than around specific research disciplines; and

Whereas the United States must enhance its response to the issues raised in the Report of the Lung Cancer Progress Review Group: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should—

(1) declare lung cancer a public health priority and immediately lead a coordinated effort to reduce the mortality rate of lung cancer by 50 percent by 2015;

(2) direct the Secretary of the Department of Health and Human Services to increase funding for lung cancer research and other lung cancer-related programs within a coordinated strategy and defined goals, including—

(A) translational research and specialized lung cancer research centers;

(B) expansion of existing multi-institutional, population-based screening programs incorporating state of the art image processing, centralized review, clinical management, and tobacco cessation protocols;

(C) research on disparities in lung cancer incidence and mortality rates;

(D) graduate medical education programs in thoracic medicine and cardiothoracic surgery;

(E) new programs within the Food and Drug Administration to expedite the development of chemoprevention and targeted therapies for lung cancer;

(F) annual reviews by the Agency for Healthcare Research and Quality of lung cancer screening and treatment protocols;

(G) the appointment of a lung cancer director within the Centers for Disease Control and Prevention with authority to improve lung cancer surveillance and screening programs; and

(H) lung cancer screening demonstration programs under the direction of the Centers for Medicare and Medicaid Services;

(3) direct the Secretary of Defense, in conjunction with the Secretary of Veterans Affairs, to develop a broad-based lung cancer screening and disease management program among members of the Armed Forces and veterans, and to develop technologically advanced diagnostic programs for the early detection of lung cancer;

(4) appoint the Lung Cancer Scientific and Medical Advisory Committee comprised of medical, scientific, pharmaceutical, and patient advocacy representatives to work with the National Lung Cancer Public Health Policy Board and to report to the President and Congress on the progress and the obstacles in achieving the goal described in paragraph 1; and

(5) convene a National Lung Cancer Public Health Policy Board comprised of multi-agency and multidepartment representatives and at least 3 members of the Lung Cancer Scientific and Medical Advisory Committee, that will oversee and coordinate all efforts to accomplish the mission of reducing lung cancer mortality rate by 50 percent by 2015.

NAVAJO-HOPI LAND SETTLEMENT AMENDMENTS ACT OF 2005

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 324, S. 1003.

The PRESIDING OFFICER. The clerk will report the bill by title. The legislative clerk read as follows:

A bill (S. 2003) to amend the Act of December 22, 1974, and for other purposes.

There being no objection, the Senate proceeded to consider the bill to amend which had been reported from the Committee on Indian Affairs, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 1003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

(b) TABLE OF CONTENTS.—The table of contents of 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.

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

SEC. 101. REPEAL OF SECTIONS.

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

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

SEC. 102. DEFINITIONS; DIVISION OF LAND.

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

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

“SECTION 1. DEFINITIONS.

“In this Act:

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

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

“(3) TRIBE.—The term ‘Tribe’ means—

“(A) the Navajo Indian Tribe; and

“(B) the Hopi Indian Tribe.

“SEC. 2. DIVISION OF LAND.

“(a) DIVISION.—

“(1) IN GENERAL.—The land located within the boundaries of the reservation established by Executive order on December 16, 1982, shall be divided into parcels of equal acreage and quality—

“(A) to the maximum extent practicable; and

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

“(2) VALUATION OF PARCELS.—For the purpose of calculating the value of a parcel produced by a division under paragraph (1), the Secretary shall—

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

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

“(3) COMPENSATION BY TRIBES.—If the partition under paragraph (1) results in parcels of unequal value, as determined by the Secretary, the Tribe that receives the more valuable parcel shall pay to the other Tribe compensation in an amount equal to the difference in the values of the parcels, as determined by the Secretary.

“(4) COMPENSATION BY FEDERAL GOVERNMENT.—If the District Court determines that the failure of the Federal Government to fulfill an obligation of the Government decreased the value of a parcel under paragraph (1), the Government shall pay to the recipient of the parcel compensation in an amount equal to the difference between—

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

“(B) the value of the fully restored parcel.”;

(2) by striking “(g) Any” and inserting the following:

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

(3) by striking “(h) Any” and inserting the following:

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

SEC. 103. JOINT OWNERSHIP OF MINERALS.

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

(1) by striking “SEC. 7. Partition” and inserting the following:

“SEC. 3. JOINT OWNERSHIP OF MINERALS.

“(a) IN GENERAL.—Partition”; and

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

“(b) JOINT MANAGEMENT.—All”.

SEC. 104. ACTIONS.

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

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

“SEC. 4. ACTIONS.

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

(2) in subsection (b)—

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

“(b) ALLOCATION OF LAND.—

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

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

“(2) HOPI RESERVATION.—Any land”; and

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

“(3) JOINT AND UNDIVIDED INTERESTS.—Any land”; and

(3) in subsection (c)—

(A) by striking “(c)(1) Either” and inserting the following:

“(c) EXCHANGE OF LAND.—

“(1) IN GENERAL.—Either”; and

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

“(2) INTERESTS OF TRIBES.—If”; and

(C) in paragraph (3), by striking “(3) Neither” and inserting the following:

“(3) DEFENSE.—Neither”; and

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

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

“(d) EFFECT OF SECTION.—Nothing”; and

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

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

(6) by striking subsection (f).

SEC. 105. PAIUTE INDIAN ALLOTMENTS.

Section 9 of the Act of December 22, 1974 (25 U.S.C. 640d-8) is amended by striking

“SEC. 9. Notwithstanding” and inserting the following:

“SEC. 5. PAIUTE INDIAN ALLOTMENTS.

“Notwithstanding”.

SEC. 106. PARTITIONED AND OTHER DESIGNATED LAND.

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

(1) by striking “SEC. 10. (a) Subject” and inserting the following:

“SEC. 6. PARTITIONED AND OTHER DESIGNATED LAND.

“(a) NAVAJO TRUST LAND.—Subject”; and

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

(3) in subsection (b)—

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

“(b) HOPI TRUST LAND.—Subject”; and

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

(C) by striking “section 3 or 4” and inserting “section [1] 2”; and

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

(4) in subsection (c)—

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

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

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

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

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

(6) in subsection (e)—

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

“(e) TRIBAL JURISDICTION OVER PARTITIONED LAND.—

“(1) IN GENERAL.—Land”; and

(B) by adjusting the margins of subparagraphs (A) and (B) of paragraph (1) appropriately; and

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

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

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

(ii) by striking “life tenants and”.

SEC. 107. RESETTLEMENT LAND FOR NAVAJO TRIBE.

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

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

“SEC. 7. RESETTLEMENT LAND FOR NAVAJO TRIBE.

“(a) TRANSFER OF LAND.—

“(1) IN GENERAL.—The Secretary”; and

(2) by striking “(1) transfer not to exceed two hundred and fifty thousand acres of lands” and inserting the following:

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

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

(4) in the first paragraph designated as paragraph (2)—

(A) by striking “(2) on behalf” and inserting the following:

“(B) on behalf”; and

(B) by striking the second sentence;

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

(A) in the first sentence—

(i) by striking “Subject to” and all that follows through “all rights” and inserting the following:

“(4) REQUIREMENTS OF TRANSFER.—

“(A) IN GENERAL.—Subject to this paragraph, all rights”; and

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

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

“(B) COAL LEASE APPLICATIONS.—

“(i) IN GENERAL.—If”;

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

“(ii) ISSUANCE OF LEASES.—If an adjudication under clause (i)”;

(D) in the fourth sentence, by striking “The leaseholders rights and interests” and inserting the following:

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

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

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

(6) by inserting after paragraph (1)(B) (as redesignated by paragraph (4)) the following:

“(2) EXCHANGE OF LAND.—

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

“(B) UNEQUAL VALUE.—If the State or private land described in subparagraph (A) is of unequal value to the land described in paragraph (1)(A), the recipient of the land that is of greater value shall pay to the other party to the exchange under subparagraph (A) compensation in an amount not to exceed the lesser of—

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

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

“(C) RESPONSIBILITY OF SECRETARY.—The Secretary shall ensure that the amount of a payment under subparagraph (B) is as minimal as practicable.

“(3) TITLE TO LAND ACCEPTED.—The Secretary shall accept title to land under paragraph (1)(B) on behalf of the United States in trust for the benefit of the Navajo Tribe as a part of the Navajo reservation.”; and

(7) in the second paragraph designated as paragraph (2)—

(A) in the first sentence—

(i) by striking “(2) Those” and inserting the following:

“(5) STATE RIGHTS.—

“(A) IN GENERAL.—The”; and

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

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

“(B) STATE INTERESTS.—The”.

(b) PROXIMITY OF LAND; EXCHANGES OF LAND.—Section 11(b) of the Act of December 22, 1974 (25 U.S.C. 640d-10(b)) is amended by striking “(b) A border” and inserting the following:

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

(c) SELECTION OF LAND.—Section 11(c) of the Act of December 22, 1974 (25 U.S.C. 640d-10(c)) is amended—

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

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

(2) by striking the period at the end and inserting the following: “: *Provided further*, That the authority of the Commissioner to select lands under this subsection shall terminate on September 30, 2008.”.

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

“(d) REPORTS.—The”.

(e) PAYMENTS.—Section 11(e) of the Act of December 22, 1974 (25 U.S.C. 640d-10(e)) is amended by striking “(e) Payments” and inserting the following:

“(e) PAYMENTS.—Payments”.

(f) ACQUISITION OF TITLE TO SURFACE AND SUBSURFACE INTERESTS.—Section 11(f) of the Act of December 22, 1974 (25 U.S.C. 640d-10(f)) is amended—

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

“(f) ACQUISITION OF TITLE TO SURFACE AND SUBSURFACE INTERESTS.—

“(1) IN GENERAL.—For”;

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

“(2) PUBLIC NOTICE; REPORT.—If”; and

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

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

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

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

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

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

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

“(1) IN GENERAL.—The land”; and

(2) by adding at the end the following:

“(2) RELOCATION.—

“(A) IN GENERAL.—In order to facilitate relocation of a member of a Tribe, the Commissioner may grant a homesite lease on land acquired under this section to a member of the extended family of a Navajo Indian who is certified as eligible to receive benefits under this Act.

“(B) EXCEPTION.—The Commissioner may not use any funds available to the Commissioner to carry out this Act to provide housing to an extended family member described in subparagraph (A).”.

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

(1) by striking “(i) The” and inserting the following:

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

(2) by striking “section 23” and inserting “section 19”.

SEC. 108. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

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

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

“SEC. 8. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

“(a) ESTABLISHMENT.—There is”;

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

“(b) APPOINTMENT.—The”;

(3) in subsection (c)—

(A) by striking “(c)(1)(A) Except” and inserting the following:

“(c) CONTINUATION OF POWERS.—

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

“(A) POWERS AND DUTIES OF COMMISSIONER.—Except”;

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

“(B) EXISTING FUNDS.—All”; and

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

“(2) TRANSFER OF POWERS.—There are”;

(4) in subsection (d)—

(A) by striking “(d)(1) Subject” and inserting the following:

“(d) POWERS OF COMMISSIONER.—

“(1) IN GENERAL.—Subject”;

(B) by adjusting the margins of subparagraphs (A) and (B) of paragraph (1) appropriately;

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

“(2) CONTRACTS.—The”; and

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

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

(5) in subsection (e)—

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

“(e) ADMINISTRATION.—

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

(B) in paragraph (1)—

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

“(A) IN GENERAL.—The”; and

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

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

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

“(2) FAILURE TO PROVIDE ASSISTANCE.—On”;

(6) by striking subsection (f) and inserting the following:

“(f) TERMINATION.—

“(1) IN GENERAL.—The Office of Navajo and Hopi Indian Relocation shall terminate on September 30, 2008.

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

(7) by adding at the end the following:

“(g) OFFICE OF RELOCATION.—

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

“(2) DUTIES.—The Secretary, acting through the Office of Relocation, shall carry out the duties of the Office of Navajo and Hopi Indian Relocation that are transferred to the Secretary in accordance with title III of the Navajo-Hopi Land Settlement Amendments of 2005.

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

SEC. 109. REPORT.

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

(1) by striking “SEC. 13. (a) By no” and inserting the following:

“SEC. 9. REPORT.

“(a) IN GENERAL.—Not”; and

(2) in subsection (b)—

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

“(b) INCLUSIONS.—The”; and

(B) by striking “contain, among other matters, the following:” and inserting “include”.

SEC. 110. RELOCATION OF HOUSEHOLDS AND MEMBERS.

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

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

“SEC. 10. RELOCATION OF HOUSEHOLDS AND MEMBERS.

“(a) AUTHORIZATION.—”; and

(2) in subsection (a)—

(A) in the first sentence—

(i) by striking “Consistent” and inserting the following:

“(1) IN GENERAL.—Consistent”;

(ii) by striking “section 8” each place it appears and inserting “section 4”; and

(iii) by striking “section 3 or 4” and inserting “section 11 2”;

(B) by striking the second sentence;

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

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

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

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

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

“(4) GRAZING.—No individual”;

(3) in subsection (b)—

(A) by striking “(b) In addition” and inserting the following:

“(b) ADDITIONAL PAYMENTS TO HEADS OF HOUSEHOLDS.—In addition”;

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

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

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

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

(5) by adding at the end the following:

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

SEC. 111. RELOCATION HOUSING.

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

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

“SEC. 11. RELOCATION HOUSING.

“(a) PURCHASE OF HABITATION AND IMPROVEMENTS.—”;

(2) in subsection (a)—

(A) in the first sentence, by striking “The Commission” and inserting the following:

“(1) IN GENERAL.—The Commission”; and

(B) in the second sentence—

(i) by striking “The purchase” and inserting the following:

“(2) PURCHASE PRICE.—The purchase”; and

(ii) by striking “as determined under clause (2) of subsection (b) of section 13”;

(3) in subsection (b)—

(A) by striking “(b) In addition” and inserting the following:

“(b) REIMBURSEMENT FOR MOVING EXPENSES AND PAYMENT FOR REPLACEMENT DWELLING.—In addition”;

(B) by striking “shall.” and inserting “shall—”; and

(C) in paragraph (1), by inserting “and” after the semicolon at the end;

(4) in subsection (c)—

(A) by striking “(c) In implementing” and inserting the following:

“(c) STANDARDS; CERTAIN PAYMENTS.—

“(1) STANDARDS.—In carrying out”; and

(B) in the second sentence—

(i) by striking “No payment” and inserting the following:

“(2) CERTAIN PAYMENTS.—No payment”;

(ii) by striking “section 8” and inserting “section 4”; and

(iii) by striking “section 3 or 4” and inserting “section 11 2”;

(5) in subsection (d)—

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

“(d) METHODS OF PAYMENT.—The”;

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

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

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

“(2) PURCHASED AND CONSTRUCTED DWELLINGS.—Should”; and

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

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

(6) in subsection (e)—

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

“(e) DISPOSAL OF ACQUIRED DWELLINGS AND IMPROVEMENTS.—The”;

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

(C) by striking “section 3 or 4” and inserting “section 11 2”;

(7) in subsection (f), by striking “(f) Notwithstanding” and inserting the following:

“(f) PREFERENTIAL TREATMENT.—Notwithstanding”; and

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

“(g) BENEFITS HELD IN TRUST.—

“(1) IN GENERAL.—Not later than September 30, 2008, the Commissioner shall notify the Secretary of the identity of any head of household that, as of that date—

“(A) is certified as eligible to receive benefits under this Act;

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

“(C) has not received a replacement home.

“(2) TRANSFER OF FUNDS.—Not later than September 30, 2008, the Commissioner shall transfer to the Secretary any funds not used by the Commissioner to make payments under this Act to eligible heads of households.

“(3) DISPOSITION OF TRANSFERRED FUNDS.—

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

“(B) PAYMENT AMOUNTS.—Of the funds held in trust under subparagraph (A), the Secretary shall make payments to heads of households described in paragraph (1)(A) in amounts that would have been made to the heads of households under this Act before September 30, 2008—

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

“(ii) on the date of death of the head of household, if the head of household does not make a request under clause (i), in accordance with subparagraph (C).

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

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

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

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

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

“(h) NOTIFICATION.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005, the Commissioner shall notify each eligible head of household who has not entered into a lease with the Hopi Tribe to reside on land partitioned to the Hopi Tribe, in accordance with section 700.138 of title 25, Code of Federal Regulations (or a successor regulation).

“(2) LIST.—On the date on which a notice period referred to in section 700.139 of title 25, Code of Federal Regulations (or a successor regulation), expires, the Commissioner shall submit to the Secretary and the United States Attorney for the District of Arizona a list containing the name and address of each eligible head of household who—

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

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

“(3) CONSTRUCTION OF REPLACEMENT HOMES.—Before July 1, 2008, but not later than 90 days after receiving a notice of the imminent removal of a relocatee from land provided to the Hopi Tribe under this Act from the Secretary or the United States Attorney for the District of Arizona, the Commissioner may begin construction of a replacement home on any land acquired under section 6.

“(i) APPEALS.—

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

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

“(A) provide for a hearing before an impartial third party, as the Commissioner determines necessary; and

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

“(3) NOTICE.—

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

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

“(i) specify that a request for a determination of eligibility for benefits under this Act shall be presented to the Commission not later than 180 days after the date on which the notice is issued; and

“(ii) be provided—

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

“(II) in a newspaper of general circulation in the geographic area in which an address referred to in subclause (I) is located.

“(j) PROCUREMENT OF SERVICES.—

“(1) IN GENERAL.—Notwithstanding any other provision of this Act, to ensure the full and fair evaluation of the requests referred to in subsection (i)(3)(A) (including an appeal hearing before an impartial third party referred to in subsection (i)(2)(A)), the Commissioner may enter into such contracts or agreements to procure such services, and employ such personnel (including attorneys), as the Commissioner determines to be necessary.

“(2) DETAIL OF ADMINISTRATIVE LAW JUDGES OR HEARING OFFICERS.—The Commissioner may request the Secretary to act through the Director of the Office of Hearings and Appeals to make available to the Office of Navajo and Hopi Indian Relocation an administrative law judge or other hearing officer with appropriate qualifications to review the requests referred to in subsection (i)(3)(A), as determined by the Commissioner.

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

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

of June 27, 1960 (16 U.S.C. 469a-1 through 469c).

“(2) COMPLIANCE WITH OTHER REQUIREMENTS.—If a construction activity meets the requirements under paragraph (1), the activity shall be considered to be in accordance with any applicable requirement of—

“(A) Public Law 89-665 (80 Stat. 915); and
“(B) the Act of June 8, 1906 (34 Stat. 225, chapter 3060).”.

SEC. 124. ATTORNEY FEES AND COURT COSTS.

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

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

“SEC. 23. ATTORNEY FEES AND COURT COSTS.

“(a) IN GENERAL.—”;

(2) in subsection (a)—

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

“(1) IN GENERAL.—In any”; and

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

“(2) AUTHORIZATION OF APPROPRIATIONS.—For each”;

(3) in subsection (b)—

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

“(b) AWARD BY COURT.—

“(1) IN GENERAL.—On”; and

(B) in the second sentence, by striking “Any party” and inserting the following:

“(2) REIMBURSEMENT OF UNITED STATES.—Any party”;

(4) in subsection (c), by striking “(c) To” and inserting the following:

“(c) EXCESS DIFFERENCE.—To”; and

(5) in subsection (d)—

(A) by striking “(d) This” and inserting the following:

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

(B) by striking “section 8 or 18(a) of this Act” and inserting “section 4 or section 14(a)”.

SEC. 125. LOBBYING.

Section 31 of the Act of December 22, 1974 (25 U.S.C. 640d-29) is amended—

(1) by striking “SEC. 31. (a) Except” and inserting the following:

“SEC. 24. LOBBYING.

“(a) IN GENERAL.—Except”; and

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

“(b) APPLICABILITY.—Subsection”.

SEC. 126. NAVAJO REHABILITATION TRUST FUND.

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

(1) by striking “SEC. 32. (a) There” and inserting the following:

“SEC. 25. NAVAJO REHABILITATION TRUST FUND.

“(a) ESTABLISHMENT.—There”; and

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

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

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

“(c) INVESTMENT OF FUNDS.—The”; and

(4) in subsection (d)—

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

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

(B) in paragraph (1), by striking “proceedings,” and inserting “proceedings;”; and

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

(5) in subsection (e)—

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

“(e) EXPENDITURE OF FUNDS.—

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

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

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

(6) in subsection (f)—

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

“(f) TERMINATION.—

“(1) IN GENERAL.—The”; and

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

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

(7) in subsection (g)—

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

“(g) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is”; and

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

(C) in the second sentence, by striking “The income” and inserting the following:

“(2) INCOME FROM LAND.—The income”.

SEC. 127. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.

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

“SEC. 26. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.”

“Nothing”.

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

SEC. 201. RETENTION PREFERENCE.

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

(1) by striking “or” after “Senate” and inserting a comma;

(2) by striking “or” after “Service” and inserting a comma; and

(3) by inserting “, or to an employee of the Office of Navajo and Hopi Indian Relocation” before the period.

SEC. 202. SEPARATION PAY.

(a) IN GENERAL.—Chapter 55 of title 5, United States Code, is amended by adding at the end the following:

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

“(a) IN GENERAL.—Except as provided in subsections (b) and (c), the Commissioner of the Office of Navajo and Hopi Indian Relocation shall establish a program to offer separation pay to employees of the Office of Navajo and Hopi Indian Relocation (referred to in this section as the ‘Office’) in the same manner as the Secretary of Defense offers separation pay to employees of a defense agency under section 5597.

“(b) SEPARATION PAY.—

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

“(2) REQUIREMENT.—Any separation pay offered under this subsection—

“(A) shall be paid in a lump sum;

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

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

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

“(E) shall not—

“(i) be a basis for payment;

“(ii) be considered to be income for the purposes of computing any other type of benefit provided by the Federal Government; and

“(F) if an individual is otherwise entitled to receive any severance pay under section 5595 on the basis of any other separation,

shall not be payable in addition to the amount of the severance pay to which that individual is entitled under section 5595.

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

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 55 of title 5 is amended by adding at the end the following:

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

SEC. 203. FEDERAL RETIREMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) IMMEDIATE RETIREMENT.—Section 8336(j)(1)(B) of title 5, United States Code, is amended by inserting “or was employed by the Office of Navajo and Hopi Indian Relocation during the period beginning on January 1, 1985, and ending on the date of separation of that employee” before the final comma.

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

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

“(A) the product obtained by multiplying—
“(i) 2½ percent of the average pay of the employee; and

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

“(B) the product obtained by multiplying—
“(i) 2 percent of the average pay of the employee; and

“(ii) the quantity of the service of the employee on or after January 1, 1985, that exceeds 10 years.”.

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

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

“(i) An employee of the Office of Navajo and Hopi Indian Relocation is entitled to an annuity if that employee—

“(1) has been continuously employed in the Office of Navajo and Hopi Indian Relocation during the period beginning on January 1, 1985, and ending on the date of separation of that individual; and

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

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

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

【(1) by redesignating subsection (l) as subsection (m);

(2) by redesignating the second subsection designated as subsection (k) as subsection (l); and

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

(A) by redesignating subsection (l) as subsection (m);

(B) by redesignating the second subsection designated as subsection (k) as subsection (l); and

(C) by adding at the end the following:

“(n) The annuity of an employee retiring under section 8412(i) shall be determined in accordance with subsection (d), except that with respect to service during the period beginning on January 1, 1985, the annuity of the employee shall be an amount equal to the sum of—

“(1) the product obtained by multiplying—
“(A) 2 percent of the average pay of the employee; and

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

“(2) the product obtained by multiplying—
“(A) 1½ percent of the average pay of the employee; and

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

TITLE III—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

SEC. 301. DEFINITIONS.

In this title:

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

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

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

SEC. 302. TRANSFER OF FUNCTIONS.

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

SEC. 303. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS.

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

(b) **USE OF FUNDS.**—Any unexpended funds transferred under subsection (a) shall be used only for the purposes for which the funds were originally authorized and appropriated.

SEC. 304. EFFECT OF TITLE.

(a) **CONTINUING EFFECT OF LEGAL DOCUMENTS.**—Any legal document relating to a function transferred by this title that is in effect on the date of enactment of this Act shall continue in effect in accordance with the terms of the document until the document is modified or terminated by—

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

(b) **PROCEEDINGS NOT AFFECTED.**—This title shall not affect any proceeding (including a notice of proposed rulemaking, an administrative proceeding, and an application for a license, permit, certificate, or financial assistance) relating to a function transferred under this title that is pending before the Office of Navajo and Hopi Relocation on the date of enactment of this Act.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the McCain amendments at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendments were agreed to.

The amendments (Nos. 3858 and 3859) were agreed to, as follows:

AMENDMENT NO. 3858

(Purpose: In the nature of a substitute)

(The amendment is printed in today's RECORD under “Text of Amendments.”)

AMENDMENT NO. 3859 TO AMENDMENT NO. 388

(Purpose: To modify a provision relating to the authorization of appropriations)

Strike section 121 of the amendment and insert the following:

SEC. 121. AUTHORIZATION OF APPROPRIATIONS.

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

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

(2) amended to read as follows:

“SEC. 26. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out section 11 such sums as are necessary for each of fiscal years 2006 through 2008.”.

The bill (S. 1003), as amended, was read the third time and passed, as follows:

S. 1003

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Effect of Act.

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

Sec. 101. Repeal of sections.

Sec. 102. Short title; definitions.

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. Discretionary fund.

Sec. 123. Attorney fees and court costs.

Sec. 124. Lobbying.

Sec. 125. Navajo Rehabilitation Trust Fund.

Sec. 126. Availability of Funds for relocation assistance.

TITLE II—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

Sec. 201. Definitions.

Sec. 202. Transfer of functions.

Sec. 203. Personnel provisions.

Sec. 204. Delegation and assignment.

Sec. 205. Reorganization.

Sec. 206. Rules.

Sec. 207. Transfer and allocations of appropriations and personnel.

Sec. 208. Incidental transfers.

Sec. 209. Effect on personnel.

Sec. 210. Separability.

Sec. 211. Transition.

Sec. 212. Report.

Sec. 213. References.

Sec. 214. Additional conforming amendment.

Sec. 215. Effect of title.

Sec. 216. Effective date.

TITLE III—PERSONNEL OF THE OFFICE OF NAVAJO AND HOPI RELOCATION

Sec. 301. Separation pay.

Sec. 302. Federal retirement.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Act of December 22, 1974 (25 U.S.C. 640d et seq.) (commonly known as the “Navajo-Hopi Land Settlement Act of 1974”) was enacted to address the century-long land disputes between the Navajo Tribe and the Hopi Tribe and to establish a relocation process to remove, by December 31, 1986, Navajos and Hopis from land allocated to the other tribe by requiring the filing of a relocation plan;

(2) the Office of Navajo and Hopi Relocation was established in 1988 as a temporary independent agency to implement a 1981 relocation plan under that Act to relocate eligible families that lived on disputed land as of December 22, 1974;

(3) the relocation process has been plagued with controversy and delay, and Congress has had to amend the Act several times to authorize the expansion of original relocation activity and to provide additional appropriations for the implementation of relocation activities;

(4) the Office of Navajo and Hopi Indian Relocation has reviewed over 4,600 applications, considered numerous appeals, provided relocation homes for over 3,600 families;

(5) the Office of Navajo and Hopi Indian Relocation has provided financial assistance and technical support to the Navajo Tribe and the Hopi Tribe to address the impacts of relocation, including the operation of livestock grazing programs and resources to assist in the resettlement of individuals;

(6) individual Navajos and Hopis have had over 20 years during which to apply for and receive relocation benefits or to appeal a finding of ineligibility through the Office of Navajo and Hopi Relocation and in Federal district court; and

(7) the Office of Navajo and Hopi Relocation has had sufficient time in which to notify potential eligible applicants of the opportunity to receive relocation benefits, to certify that specific individuals qualify for such benefits, and to provide eligible individuals with replacement housing, counseling, and other assistance to adapt to relocation on Indian land or within non-Indian communities.

SEC. 3. EFFECT OF ACT.

Nothing in this Act, or an amendment made by this Act—

(1) limits or otherwise affects any determination of a court, including a determination relating to an action pending as of the date of enactment of this Act, relating to a dispute of the Navajo Indian tribe or the Hopi Indian tribe with respect to—

(A) land; or

(B) any settlement agreement; or

(2) authorizes any cause of action not in existence on the day before the date of enactment of this Act.

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

SEC. 101. REPEAL OF SECTIONS.

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

(b) **ADDITIONAL REPEALS.**—Sections 2 through 5 and sections 26, 28, and 30 of the

Act of December 22, 1974 (25 U.S.C. 640d-1 through 640d-4; 88 Stat. 1723; 25 U.S.C. 640d-26, 640d-28), are repealed.

SEC. 102. SHORT TITLE; DEFINITIONS.

Section 6 of the Act of December 22, 1974 (25 U.S.C. 640d-5), is amended by striking “SEC. 6. The Mediator” and all that follows through the end of the section and inserting the following:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Navajo-Hopi Land Settlement Act’.

“SEC. 2. DEFINITIONS.

“In this Act:

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

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

“(3) TRIBE.—The term ‘Tribe’ means—

“(A) the Navajo Indian Tribe; and

“(B) the Hopi Indian Tribe.”.

SEC. 103. JOINT OWNERSHIP OF MINERALS.

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

(1) by striking “SEC. 7. Partition” and inserting the following:

“SEC. 3. JOINT OWNERSHIP OF MINERALS.

“(a) IN GENERAL.—Partition”; and

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

“(b) JOINT MANAGEMENT.—All”.

SEC. 104. ACTIONS.

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

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

“SEC. 4. ACTIONS.

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

(2) in subsection (b)—

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

“(b) ALLOCATION OF LAND.—

“(1) NAVAJO RESERVATION.—Any land”;

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

“(2) HOPI RESERVATION.—Any land”;

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

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

(3) in subsection (c)—

(A) by striking “(c)(1) Either” and inserting the following:

“(c) EXCHANGE OF LAND.—

“(1) IN GENERAL.—Either”;

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

“(2) INTERESTS OF TRIBES.—If”;

(C) in paragraph (3), by striking “(3) Neither” and inserting the following:

“(3) DEFENSE.—Neither”; and

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

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

“(d) EFFECT OF SECTION.—Nothing”;

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

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

(6) by striking subsection (f).

SEC. 105. PAIUTE INDIAN ALLOTMENTS.

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

“SEC. 5. PAIUTE INDIAN ALLOTMENTS.

“Notwithstanding”.

SEC. 106. PARTITIONED AND OTHER DESIGNATED LAND.

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

(1) by striking “SEC. 10. (a) Subject” and inserting the following:

“SEC. 6. PARTITIONED AND OTHER DESIGNATED LAND.

“(a) NAVAJO TRUST LAND.—Subject”;

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

(3) in subsection (b)—

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

“(b) HOPI TRUST LAND.—Subject”;

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

(C) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 3 or 4”; and

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

(4) in subsection (c)—

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

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

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

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

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

(6) in subsection (e)—

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

“(e) TRIBAL JURISDICTION OVER PARTITIONED LAND.—

“(1) IN GENERAL.—Land”;

(B) by adjusting the margins of subparagraphs (A) and (B) of paragraph (1) appropriately; and

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

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

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

(ii) by striking “life tenants and”.

SEC. 107. RESETTLEMENT LAND FOR NAVAJO TRIBE.

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

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

“SEC. 7. RESETTLEMENT LAND FOR NAVAJO TRIBE.

“(a) TRANSFER OF LAND.—

“(1) IN GENERAL.—The Secretary”;

(2) by striking “(1) transfer not to exceed two hundred and fifty thousand acres of lands” and inserting the following:

“(A) transfer not more than 250,000 acres of land (including any acres previously transferred under this Act”;

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

(4) in the first paragraph designated as paragraph (2)—

(A) by striking “(2) on behalf” and inserting the following:

“(B) on behalf”; and

(B) by striking the second sentence;

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

(A) in the first sentence—

(i) by striking “Subject to” and all that follows through “all rights” and inserting the following:

“(4) REQUIREMENTS OF TRANSFER.—

“(A) IN GENERAL.—Subject to this paragraph, all rights”; and

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

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

“(B) COAL LEASE APPLICATIONS.—

“(i) IN GENERAL.—If”;

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

“(ii) ISSUANCE OF LEASES.—If an adjudication under clause (i)”;

(D) in the fourth sentence, by striking “The leaseholders rights and interests” and inserting the following:

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

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

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

(6) by inserting after paragraph (1)(B) (as redesignated by paragraph (4)) the following:

“(2) EXCHANGE OF LAND.—

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

“(B) UNEQUAL VALUE.—If the State or private land described in subparagraph (A) is of unequal value to the land described in paragraph (1)(A), the recipient of the land that is of greater value shall pay to the other party to the exchange under subparagraph (A) compensation in an amount not to exceed the lesser of—

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

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

“(C) RESPONSIBILITY OF SECRETARY.—The Secretary shall make reasonable efforts to reduce any payment under subparagraph (B) to the lowest practicable amount.

“(3) TITLE TO LAND ACCEPTED.—The Secretary shall accept title to land under subparagraphs (A) and (B) of paragraph (1) on behalf of the United States in trust for the benefit of the Navajo Tribe as a part of the Navajo reservation.”; and

(7) in the second paragraph designated as paragraph (2)—

(A) in the first sentence—

(i) by striking “(2) Those” and inserting the following:

“(5) STATE RIGHTS.—

“(A) IN GENERAL.—The”; and

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

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

“(B) STATE INTERESTS.—The”.

(b) PROXIMITY OF LAND; EXCHANGES OF LAND.—Section 11(b) of the Act of December 22, 1974 (25 U.S.C. 640d-10(b)), is amended by striking “(b) A border” and inserting the following:

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

(c) SELECTION OF LAND.—Section 11(c) of the Act of December 22, 1974 (25 U.S.C. 640d-10(c)), is amended—

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

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

(2) by striking the period at the end and inserting the following: “: *Provided further*, That the authority of the Commissioner to select lands under this subsection shall terminate on September 30, 2008.”.

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

“(d) REPORTS.—The”.

(e) PAYMENTS.—Section 11(e) of the Act of December 22, 1974 (25 U.S.C. 640d-10(e)), is amended by striking “(e) Payments” and inserting the following:

“(e) PAYMENTS.—Payments”.

(f) ACQUISITION OF TITLE TO SURFACE AND SUBSURFACE INTERESTS.—Section 11(f) of the

Act of December 22, 1974 (25 U.S.C. 640d-10(f)), is amended—

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

“(f) ACQUISITION OF TITLE TO SURFACE AND SUBSURFACE INTERESTS.—

“(1) IN GENERAL.—For”;

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

“(2) PUBLIC NOTICE; REPORT.—If”;

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

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

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

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

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

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

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

“(1) IN GENERAL.—The land”;

(2) by adding at the end the following:

“(2) RELOCATION.—

“(A) IN GENERAL.—In order to facilitate relocation of a member of a Tribe, the Commissioner may grant a homesite lease on land acquired under this section to a member of the extended family of a Navajo Indian who is certified as eligible to receive benefits under this Act.

“(B) EXCEPTION.—The Commissioner may not use any funds available to the Commissioner to carry out this Act to provide housing to an extended family member described in subparagraph (A).”.

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

(1) by striking “(i) The” and inserting the following:

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

(2) by striking “section 23” and inserting “section 19”.

SEC. 108. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

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

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

“SEC. 8. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

“(a) ESTABLISHMENT.—There is”;

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

“(b) APPOINTMENT.—The”;

(3) in subsection (c)—

(A) by striking “(c)(1)(A) Except” and inserting the following:

“(c) CONTINUATION OF POWERS.—

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

“(A) POWERS AND DUTIES OF COMMISSIONER.—Except”;

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

“(B) EXISTING FUNDS.—All”;

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

“(2) TRANSFER OF POWERS.—There are”;

(4) in subsection (d)—

(A) by striking “(d)(1) Subject” and inserting the following:

“(d) POWERS OF COMMISSIONER.—

“(1) IN GENERAL.—Subject”;

(B) by adjusting the margins of subparagraphs (A) and (B) of paragraph (1) appropriately;

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

“(2) CONTRACTS.—The”;

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

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

(5) in subsection (e)—

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

“(e) ADMINISTRATION.—

“(1) ADMINISTRATIVE, FISCAL, AND HOUSEKEEPING SERVICES.—”;

(B) in paragraph (1)—

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

“(A) IN GENERAL.—The”;

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

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

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

“(2) FAILURE TO PROVIDE ASSISTANCE.—On”;

(6) by striking subsection (f) and inserting the following:

“(f) TERMINATION.—

“(1) IN GENERAL.—The Office of Navajo and Hopi Indian Relocation shall terminate on September 30, 2008.

“(2) TRANSFER OF OFFICE DUTIES.—On the date of termination of the Office, any duty of the Office that has not been carried out, as determined in accordance with this Act, shall be transferred to the Secretary in accordance with title II of the Navajo-Hopi Land Settlement Amendments of 2005.”;

(7) by adding at the end the following:

“(g) EASE OF TRANSITION.—Beginning on the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005, the Secretary may—

“(1) consult with the Commissioner regarding the transfer of the responsibilities of the Office of Navajo and Hopi Indian Relocation to the Department of the Interior; and

“(2) take any action the Secretary determines to be necessary to assume the responsibilities of the Office on September 30, 2008.”.

SEC. 109. REPORT.

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

(1) by striking “SEC. 13. (a) By no” and inserting the following:

“SEC. 9. REPORT.

“(a) IN GENERAL.—Not”;

(2) in subsection (b)—

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

“(b) INCLUSIONS.—The”;

(B) by striking “contain, among other matters, the following” and inserting “include”.

SEC. 110. RELOCATION OF HOUSEHOLDS AND MEMBERS.

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

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

“SEC. 10. RELOCATION OF HOUSEHOLDS AND MEMBERS.

“(a) AUTHORIZATION.—”;

(2) in subsection (a)—

(A) in the first sentence—

(i) by striking “Consistent” and inserting the following:

“(1) IN GENERAL.—Consistent”;

(ii) by striking “section 8” each place it appears and inserting “section 4”;

(iii) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 3 or 4”;

(iv) by inserting “, or, after September 30, 2008, the Attorney General,” after “the Commissioner”;

(B) by striking the second sentence;

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

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

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

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

and

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

“(4) GRAZING.—No individual”;

(3) in subsection (b)—

(A) by striking “(b) In addition” and inserting the following:

“(b) ADDITIONAL PAYMENTS TO HEADS OF HOUSEHOLDS.—In addition”;

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

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

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

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

(5) by adding at the end the following:

“(d) PROHIBITION.—No payment for benefits under this Act may be made to any head of a household if, as of September 30, 2008, that head of household has not been certified as eligible to receive the payment.”.

SEC. 111. RELOCATION HOUSING.

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

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

“SEC. 11. RELOCATION HOUSING.

“(a) PURCHASE OF HABITATION AND IMPROVEMENTS.—”;

(2) in subsection (a)—

(A) in the first sentence, by striking “The Commission” and inserting the following:

“(1) IN GENERAL.—The Commission”;

(B) in the second sentence—

(i) by striking “The purchase” and inserting the following:

“(2) PURCHASE PRICE.—The purchase”;

(ii) by striking “as determined under clause (2) of subsection (b) of section 13”;

(3) in subsection (b)—

(A) by striking “(b) In addition” and inserting the following:

“(b) REIMBURSEMENT FOR MOVING EXPENSES AND PAYMENT FOR REPLACEMENT DWELLING.—In addition”;

(B) by striking “shall” and inserting “shall—”;

(C) in paragraph (1), by inserting “and” after the semicolon at the end;

(4) in subsection (c)—

(A) by striking “(c) In implementing” and inserting the following:

“(c) STANDARDS; CERTAIN PAYMENTS.—

“(1) STANDARDS.—In carrying out”;

(B) in the second sentence—

(i) by striking “No payment” and inserting the following:

“(2) CERTAIN PAYMENTS.—No payment”;

and

(ii) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 8 or section 3 or 4”;

(5) in subsection (d)—

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

“(d) METHODS OF PAYMENT.—The”;

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

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

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

“(2) PURCHASED AND CONSTRUCTED DWELLINGS.—Should”;

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

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

(6) in subsection (e)—

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

“(e) DISPOSAL OF ACQUIRED DWELLINGS AND IMPROVEMENTS.—The”;

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

(C) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 3 or 4”;

(7) in subsection (f), by striking “(f) Notwithstanding” and inserting the following:

“(f) PREFERENTIAL TREATMENT.—Notwithstanding”;

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

“(g) BENEFITS.—

“(1) IN GENERAL.—Not later than September 30, 2008, the Commissioner shall notify the Secretary and each Tribe of the identity of any head of household member of the Tribe that, as of that date—

“(A) is certified as eligible to receive benefits under this Act;

“(B) does not reside on land that has been partitioned to the Tribe; and

“(C) has not received a replacement home.

“(2) TRANSFER OF FUNDS.—Not later than September 30, 2008, and except as provided in paragraph (4), the Commissioner shall—

“(A) transfer to the Secretary any funds not used by the Commissioner to make payments under this Act to eligible heads of households; and

“(B) provide a notice to each Tribe regarding the amount of the funds transferred under subparagraph (B).

“(3) DISPOSITION OF TRANSFERRED FUNDS.—

“(A) IN GENERAL.—The Secretary shall hold any funds transferred under paragraph (2) for the heads of households described in paragraph (1)(A) until the date on which a request for the funds, or a portion of the funds, is submitted to the Secretary by—

“(i) an eligible head of household; or

“(ii) the Tribe, acting with the consent of such a head of household.

“(B) PAYMENT AMOUNTS.—Of the funds held under subparagraph (A), the Secretary shall make payments to the Tribe or heads of households described in paragraph (1)(A) in amounts that would have been made to the heads of households under this Act before September 30, 2008—

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

“(ii) on the date of death of the head of household, if the head of household does not make a request under clause (i), in accordance with subparagraph (C).

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

“(i) identify and notify any heir of the head of household, in accordance with applicable law; and

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

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

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

“(D) CLAIMS OF COMPETING HEIRS.—Any claim to a distribution under subparagraph (C) that is disputed by any competing heir of a head of household shall be determined during the probate process in accordance with applicable law.

“(4) DISPUTED ELIGIBILITY CLAIMS.—

“(A) TRANSFER OF FUNDS.—Not later than September 30, 2008, the Commissioner shall

transfer to the Secretary an appropriate percentage, as determined by the Commissioner, of the funds not used by the Commissioner to make payments under this Act to eligible heads of households.

“(B) DISPOSITION OF TRANSFERRED FUNDS.—

“(i) IN GENERAL.—The Secretary shall hold any funds transferred under subparagraph (A) for any individual the status of whom under this Act is the subject of a dispute with the Commissioner.

“(ii) DISTRIBUTIONS TO HEADS OF HOUSEHOLDS.—If an individual described in clause (i) is identified by the Commissioner as a head of household described in paragraph (1), the Secretary shall distribute funds transferred under subparagraph (A) to the individual in accordance with paragraph (3).

“(h) NOTIFICATION.—

“(1) IN GENERAL.—To the extent not already provided, not later than 180 days after the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005, the Commissioner shall notify each eligible head of household who has not entered into a lease with the Hopi Tribe to reside on land partitioned to the Hopi Tribe, in accordance with section 700.138 of title 25, Code of Federal Regulations (or a successor regulation).

“(2) LIST.—On the date on which a notice period referred to in section 700.139 of title 25, Code of Federal Regulations (or a successor regulation), expires, the Commissioner shall submit to the Secretary and the United States Attorney for the District of Arizona a list containing the name and address of each eligible head of household who—

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

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

“(3) CONSTRUCTION OF REPLACEMENT HOMES.—Before July 1, 2008, but not later than 90 days after receiving a notice of the imminent removal of a relocatee from land provided to the Navajo Tribe or the Hopi Tribe under this Act, the Commissioner shall—

“(A) make an eligibility determination with respect to the relocatee in accordance with any appropriate policy or procedure; and

“(B) on a determination under subparagraph (A) that the relocatee is eligible for relocation—

“(i) begin construction of a replacement home on any land acquired under section 6; or

“(ii) establish a fund for the benefit of the relocatee, to be administered in accordance with this section.

“(i) APPEALS.—

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

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

“(A) provide for a hearing before an impartial third party, as the Commissioner determines necessary; and

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

“(j) PROCUREMENT OF SERVICES.—

“(1) IN GENERAL.—Notwithstanding any other provision of this Act, to ensure the full and fair evaluation of an appeal hearing before an impartial third party referred to in subsection (i)(2)(A), the Commissioner may

enter into such contracts or agreements to procure such services, and employ such personnel (including attorneys), as the Commissioner determines to be necessary.

“(2) DETAIL OF ADMINISTRATIVE LAW JUDGES OR HEARING OFFICERS.—The Commissioner may request the Secretary to act through the Director of the Office of Hearings and Appeals to make available to the Office of Navajo and Hopi Indian Relocation an administrative law judge or other hearing officer with appropriate qualifications, as determined by the Commissioner.

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

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

“(2) REVIEW.—

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

“(i) review the entire record (as certified to the Circuit Court under paragraph (3)) on which a determination of the ineligibility of the appellant to receive benefits under this Act was based; and

“(ii) on the basis of that review, affirm or reverse that determination.

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

“(3) NOTICE OF APPEAL.—

“(A) IN GENERAL.—To the extent not already provided by this Act or other applicable Federal law, not later than 30 days after a determination of ineligibility under paragraph (1), an affected individual shall file a notice of appeal with—

“(i) the Circuit Court; and

“(ii) the Commissioner.

“(B) CERTIFICATION OF RECORD.—On receipt of a notice under subparagraph (A)(ii), the Commissioner shall submit to the Circuit Court the certified record on which the determination that is the subject of the appeal was made.

“(C) REVIEW PERIOD.—Not later than 60 days after receiving a certified record under subparagraph (B), the Circuit Court shall conduct a review and file a decision regarding an appeal in accordance with paragraph (2).

“(D) BINDING DECISION.—A decision made by the Circuit Court under this subsection shall be final and binding on all parties.”

SEC. 112. PAYMENT FOR USE OF LAND.

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

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

“SEC. 12. PAYMENT FOR USE OF LAND.

“(a) IN GENERAL.—The Navajo”;

(2) in subsection (a), by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” before “sections 8 and 3 or 4”; and

(3) in subsection (b)—

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

“(b) PAYMENT.—The”;

(B) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “sections 8 and 3 or 4”.

SEC. 113. EFFECT OF ACT.

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

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

“SEC. 13. EFFECT OF ACT.

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

(2) in subsection (a)—

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

“(1) IN GENERAL.—Nothing”; and

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

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

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

“(b) FEDERAL EMPLOYEES.—Nothing”.

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

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

(1) by striking “Sec. 18. (a) Either” and inserting the following:

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

“(a) ACTIONS BY TRIBES.—Either”;

(2) in subsection (a), by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 3 or 4”;

(3) in subsection (b)—

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

“(b) DEFENSES.—Neither”; and

(B) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 3 or 4”;

(4) in subsection (c)—

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

“(c) FURTHER ORIGINAL, ANCILLARY, OR SUPPLEMENTARY ACTS TO ENSURE QUIET ENJOYMENT.—

“(1) IN GENERAL.—Either”; and

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

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

(5) in subsection (d)—

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

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

“(1) IN GENERAL.—Except”; and

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

“(2) EFFECT OF JUDGMENTS.—Any judgment”; and

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

“(e) REMEDIES.—All”.

SEC. 115. JOINT USE.

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

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

“SEC. 15. JOINT USE.

“(a) REDUCTION OF LIVESTOCK.—

“(1) IN GENERAL.—Notwithstanding”;

(2) in subsection (a)(1) (as designated by paragraph (1))—

(A) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 3 or 4”; and

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

“(2) CONSERVATION PRACTICES AND METHODS.—The Secretary shall”;

(3) in subsection (b)—

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

“(b) SURVEY LOCATION OF MONUMENTS AND FENCING OF BOUNDARIES.—The”; and

(B) by inserting “(as in effect on the day before the date of enactment of the Navajo-

Hopi Land Settlement Amendments of 2005)” after “sections 8 and 3 or 4” each place it appears; and

(4) in subsection (c)—

(A) by striking “(c)(1) Surveying” and inserting the following:

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

“(1) SURVEYING, MONUMENTING, AND FENCING.—Surveying”;

(B) in paragraph (1)—

(i) by striking “of this Act” and inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)”;

(ii) by striking “section 8” and inserting “section 4”; and

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

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

SEC. 116. RELIGIOUS CEREMONIES; PIPING OF WATER.

Section 20 of the Act of December 22, 1974 (25 U.S.C. 640d-19), is amended by striking

“Sec. 20. The members” and inserting the following:

“SEC. 16. RELIGIOUS CEREMONIAL USES; PIPING OF WATER.

“The members”.

SEC. 117. ACCESS TO RELIGIOUS SHRINES.

Section 21 of the Act of December 22, 1974 (25 U.S.C. 640d-20), is amended by striking

“Sec. 21. Notwithstanding” and inserting the following:

“SEC. 17. ACCESS TO RELIGIOUS SHRINES.

“Notwithstanding”.

SEC. 118. EXCLUSION OF PAYMENTS FROM CERTAIN FEDERAL DETERMINATIONS OF INCOME.

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

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

“SEC. 18. EXCLUSION OF PAYMENTS FROM CERTAIN FEDERAL DETERMINATIONS OF INCOME.

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

(2) by striking “None of the funds” and inserting the following:

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

SEC. 119. AUTHORIZATION OF EXCHANGE.

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

(1) by striking “Sec. 23. The Navajo” and inserting the following:

“SEC. 19. AUTHORIZATION OF EXCHANGE.

“(a) IN GENERAL.—The Navajo”; and

(2) in the second sentence—

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

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

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

SEC. 120. SEVERABILITY.

Section 24 of the Act of December 22, 1974 (25 U.S.C. 640d-23), is amended by striking

“Sec. 24. If” and inserting the following:

“SEC. 20. SEVERABILITY.

“If”.

SEC. 121. AUTHORIZATION OF APPROPRIATIONS.

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

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

(2) amended to read as follows:

“SEC. 26. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out section 11 such sums as are necessary for each of fiscal years 2006 through 2008.”.

SEC. 122. DISCRETIONARY FUND.

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

“SEC. 27.” and all that follows through “(c) The Secretary” and inserting the following:

“SEC. 21. DISCRETIONARY FUND.

“(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to a discretionary fund of the Commissioner to carry out this Act—

“(1) \$6,000,000 for the period of fiscal years 2006 through 2008; and

“(2) such sums as are necessary for each subsequent fiscal year.

“(b) HOPI HIGH SCHOOL AND MEDICAL CENTER.—The Secretary”.

SEC. 123. ATTORNEY FEES AND COURT COSTS.

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

(1) by striking “Sec. 29. (a)” and inserting the following:

“SEC. 22. ATTORNEY FEES AND COURT COSTS.

“(a) IN GENERAL.—”;

(2) in subsection (a)—

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

“(1) IN GENERAL.—In any”; and

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

“(2) AUTHORIZATION OF APPROPRIATIONS.—For each”;

(3) in subsection (b)—

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

“(b) AWARD BY COURT.—

“(1) IN GENERAL.—On”; and

(B) in the second sentence, by striking

“Any party” and inserting the following:

“(2) REIMBURSEMENT OF UNITED STATES.—Any party”;

(4) in subsection (c), by striking “(c) To” and inserting the following:

“(c) EXCESS DIFFERENCE.—To”; and

(5) in subsection (d)—

(A) by striking “(d) This” and inserting the following:

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

(B) by striking “section 8 or 18(a) of this Act” and inserting “section 4 or section 14(a)”.

SEC. 124. LOBBYING.

Section 31 of the Act of December 22, 1974 (25 U.S.C. 640d-29), is amended—

(1) by striking “Sec. 31. (a) Except” and inserting the following:

“SEC. 23. LOBBYING.

“(a) IN GENERAL.—Except”; and

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

“(b) APPLICABILITY.—Subsection”.

SEC. 125. NAVAJO REHABILITATION TRUST FUND.

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

(1) by striking “Sec. 32. (a) There” and inserting the following:

“SEC. 24. NAVAJO REHABILITATION TRUST FUND.

“(a) ESTABLISHMENT.—There”;

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

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

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

“(c) INVESTMENT OF FUNDS.—The”;

(4) in subsection (d)—

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

“(d) AVAILABILITY OF FUNDS.—Funds”;

(B) in paragraph (1), by striking “proceedings,” and inserting “proceedings”; and

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

(5) in subsection (e)—

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

“(e) EXPENDITURE OF FUNDS.—

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

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

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

(6) in subsection (f)—

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

“(f) TERMINATION.—

“(1) IN GENERAL.—The”; and

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

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

(7) by striking subsection (g).

SEC. 126. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.

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

“SEC. 25. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.”.

“Nothing”.

TITLE II—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

SEC. 201. DEFINITIONS.

In this title:

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

(2) FUNCTION.—The term “function” means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program carried out under Federal law in accordance with the purposes of the Office.

(3) OFFICE.—The term “Office” means the Office of Navajo and Hopi Relocation (including any component of that office).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 202. TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—Effective beginning on September 30, 2008, there is transferred to the Secretary any function of the Office that has not been carried out by the Office in accordance with the Act of December 22, 1974 (25 U.S.C. 640 et seq.) (as amended by title I).

(b) MEMORANDUM OF AGREEMENT.—Not later than September 29, 2008, the Secretary, in consultation with the Director of the Office of Management and Budget, may enter into a memorandum of agreement with the Office, as the Secretary determines to be appropriate to facilitate the transfer under subsection (a).

SEC. 203. PERSONNEL PROVISIONS.

(a) APPOINTMENTS.—The Secretary may appoint and fix the compensation of such officers and employees as the Secretary determines to be necessary to carry out any function transferred under this title.

(b) REQUIREMENTS.—Except as otherwise provided by law—

(1) any officer or employee described in subsection (a) shall be appointed in accordance with the civil service laws; and

(2) the compensation of such an officer or employee shall be fixed in accordance with title 5, United States Code.

SEC. 204. DELEGATION AND ASSIGNMENT.

(a) IN GENERAL.—Except where otherwise expressly prohibited by law or otherwise provided by this title, the Secretary may delegate any of the functions transferred to the Secretary by this title and any function transferred or granted to the Secretary after the effective date of this title to such officers and employees of the Department of the Interior as the Secretary may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate.

(b) DELEGATION.—No delegation of functions by the Secretary under this section or under any other provision of this title shall relieve the Secretary of responsibility for the administration of the functions.

SEC. 205. REORGANIZATION.

The Secretary is authorized to allocate or reallocate any function transferred under section 202 among the officers of the Department of the Interior, and to establish, consolidate, alter, or discontinue such organizational entities in the Department of the Interior as the Secretary determines to be necessary or appropriate.

SEC. 206. RULES.

The Secretary is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary determines to be necessary or appropriate to administer and manage the functions of the Department of the Interior.

SEC. 207. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of the Interior in accordance with section 3503 of title 5, United States Code.

(b) UNEXPENDED FUNDS.—Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

SEC. 208. INCIDENTAL TRANSFERS.

The Secretary is authorized to make such determinations as may be necessary to accept the functions transferred by this title, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title.

SEC. 209. EFFECT ON PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of the employee under this title.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this title, any person who, on the day preceding the effective date of this title, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department of the Interior to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(c) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this title, shall terminate on the effective date of this title.

SEC. 210. SEPARABILITY.

If a provision of this title or the application of this title to any person or circumstance is held invalid, neither the remainder of this title nor the application of

the provision to other persons or circumstances shall be affected.

SEC. 211. TRANSITION.

The Secretary is authorized to use—

(1) the services of such officers, employees, and other personnel of the Office with respect to functions transferred to the Department of the Interior by this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

SEC. 212. REPORTS.

(a) FISCAL YEARS 2007 AND 2008.—For each of fiscal years 2007 and 2008, the Commissioner of the Office, in consultation with the Navajo and Hopi Indian tribes, shall submit to Congress a report describing—

(1) the status of the Office;

(2) any progress made during the preceding year in transferring functions, appropriations, and personnel under this title;

(3) any progress made toward, or obstacle relating to, completing the relocation process under the Act of December 22, 1974 (25 U.S.C. 640d et seq.) (as amended by title I);

(4) the status of the grazing management program on the area commonly known as the “New Lands” of the Navajo Tribe; and

(5) the needs of the Navajo and Hopi Indian tribes to address the affect of relocation activity, if any, including a financial estimate relating to the needs.

(b) SUBSEQUENT FISCAL YEARS.—Not later than 1 year after the effective date of this title, and annually thereafter, the Secretary, in consultation with the Navajo and Hopi Indian tribes, shall submit to Congress a report described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2007 through 2009.

SEC. 213. REFERENCES.

Any reference in a Federal law, Executive order, rule, regulation, delegation of authority, or document relating to—

(1) the Commissioner of the Office, with respect to functions transferred under this title, shall be deemed to be a reference to the Secretary; and

(2) the Office, with respect to functions transferred under this title, shall be deemed to be a reference to the Department of the Interior.

SEC. 214. ADDITIONAL CONFORMING AMENDMENT.

Section 5315 of title 5, United States Code, is amended by striking the item relating to the Commissioner of the Office.

SEC. 215. EFFECT OF TITLE.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—Any legal document relating to a function transferred by this title that is in effect on the effective date of this title shall continue in effect in accordance with the terms of the document until the document is modified or terminated by—

(1) the President;

(2) the Secretary;

(3) a court of competent jurisdiction; or

(4) operation of Federal or State law.

(b) PROCEEDINGS NOT AFFECTED.—This title shall not affect any proceeding (including a notice of proposed rulemaking, an administrative proceeding, and an application for a license, permit, certificate, or financial assistance) relating to a function transferred under this title that is pending before the Office of Navajo and Hopi Relocation on the effective date of this title.

SEC. 216. EFFECTIVE DATE.

This title takes effect beginning September 30, 2008.

TITLE III—PERSONNEL OF THE OFFICE OF NAVAJO AND HOPI RELOCATION

SEC. 301. SEPARATION PAY.

The Office of Navajo and Hopi Relocation (referred to in this title as the "Office") may request funding for, and offer to any employee of the Office, voluntary separation incentive payments in accordance with subchapter II of chapter 35 of title 5, United States Code.

SEC. 302. FEDERAL RETIREMENT.

The Office may request funding for, and offer to any employee of the Office, voluntary early retirement in accordance with sections 8336(d)(2) and 8414(b)(1) of title 5, United States Code.

ORDERS FOR WEDNESDAY, May 3, 2006

Mr. ENSIGN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, May 3. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, that there then be a period of morning business for up to 30 minutes with the majority in control of the first 15 minutes to be followed by 15 minutes under the control of the minority; provided further that the Senate then resume consideration of H.R. 4939.

I further ask unanimous consent that there be 1 hour of debate with Senator COBURN controlling 30 minutes, Senator FEINSTEIN 15 minutes, and Senator BOXER 15 minutes, and that the vote occur in relation to Division XIX of the pending amendment with no amendment in order to the division prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I now ask unanimous consent that notwithstanding adjournment of the Senate, all time count against the limitation under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ENSIGN. Mr. President, today cloture was invoked on the emergency supplemental appropriations bill. We have disposed of many amendments, but we still have some pending amendments remaining that will need to be disposed of. Tomorrow will be a busy day, and votes can be expected throughout the day as we attempt to finish action on this emergency supplemental appropriations bill.

ORDER FOR ADJOURNMENT

Mr. DURBIN. Mr. President, I ask unanimous consent I be allowed to speak as in morning business, and at the close of my speech, if there be no further business before the Senate, we then stand in adjournment.

The PRESIDING OFFICER. Without objection, it is so ordered.

DARFUR

Mr. DURBIN. Mr. President, I rise today in support of the amendment offered by the Senator from New Jersey, Senator MENENDEZ. Senator MENENDEZ is carrying on a great tradition. His predecessor, Senator Jon Corzine, now Governor of New Jersey, showed a special interest in the genocide which is occurring in Darfur in Africa. I cannot say how many times Senator Corzine came to the Senate to raise this issue. I am glad Senator MENENDEZ has the same intensity and the same commitment Governor Corzine showed in the Senate. He has evidenced it by this amendment which adds an additional \$60 million for peacekeeping forces.

I have spoken in the Senate many times about the Darfur crisis. I say that with some embarrassment. It is unfortunate that I still have to return to the Senate time after time, month after month, year after year. While we debate, people die. What is happening in Darfur is a shameful situation for any country in the world, shameful for those who live in peace and in powerful countries for not doing more.

First, let me salute this administration. Though I disagree with the Bush administration on so many things, I have been respectful of the fact from the beginning, under Secretary of State Colin Powell and now Secretary of State Condoleezza Rice, they have not pulled any punches. They have said from the outset what is occurring in Darfur is nothing short of genocide. That is a stark departure from what occurred under the Clinton administration, an administration which I admired and worked with, but during the Rwanda genocide they were reluctant to use the word. So many times our Secretary of State and others within the administration were pinned down: Was Rwanda a genocide? And even while people were losing their lives in that African nation, they refused to use the word.

The reason is because it carries with it so much moral import, so much responsibility. Once deciding a genocide is occurring in some part of the world, what, then, must we do? Under the Genocide Convention, we are to step forward. The civilized family of nations is to step forward to stop the genocide in place and to protect the innocent people.

For several years, though we have declared it genocide, we have not done nearly as much as we should. We have relied on a small and somewhat impotent group of African Union soldiers who may be trying to do their best but who are completely outmanned by the jingawit and other violent actors in that nation who take advantage every day of the poor people of Darfur.

Last week, I went back to my alma mater, Georgetown University, here in Washington, DC, and I spoke to a group of students. It was a great night. I have not been back at campus in that capacity. It was great to speak to them. As the students came up to ask questions,

a group of students came forward and said, We are a student group on this campus genuinely interested in the genocide in Darfur. We are planning a rally in Washington—this last Sunday—and we want to know what you are going to do about it, Senator.

It was a legitimate question, one which I answered by saying I had done some things, but I need to do more. I offered an amendment to the bill now pending to add \$50 million to help move in a U.N. peacekeeping force that will augment the African Union force and give some power to this effort to protect these poor innocent people.

This weekend, on the National Mall in Washington, at the Federal Plaza in Chicago, and in 16 other cities across our country, tens of thousands of people gathered to protest the ongoing genocide in Darfur. As the Washington Post noted, the gathering of people on The Mall was one of the most diverse in history. The crowd was composed of people from all walks of life: Jews, Christians, Muslims, liberal, conservatives, teenagers, and members of the "greatest generation." They gathered under many different signs but many contained the same message: Save Darfur. That is simple. That is powerful. That is our moral responsibility, to save Darfur.

Once again, we have fallen short. We promised that once we declared genocide, we would act. We said after the genocides of recent memory, it would never again happen in our time. Sadly, it has. And things are getting worse instead of better. Violence is continuing. The Sudanese Government is blocking the preparations for the U.N. mission and peace talks have stalled.

Last week, there was an announcement in the paper which troubled me. The World Food Program, one of the most important programs in the world to feed needy people, announced it was forced to cut food rations in Darfur in half. More than 6 million people across Sudan require food aid, more than any other country on Earth. The World Food Program estimates it needs approximately \$750 million to feed them and it does not have the money. The United States has provided \$188 million; the European Union, almost nothing. Libya is the only member of the Arab league to step up.

This has to change. We can and should do more and so should the rest of the world. It is bad enough to stand by without taking appropriate action to stop the violence of genocide. But how can we have on our conscience that these poor people, these children, these families, dispossessed and living in fear, will now slowly starve to death on our watch?

Several amendments have been filed to this emergency supplemental bill that addressed Darfur. I am proud to cosponsor them. On this amendment by Senator MENENDEZ of New Jersey, I ask unanimous consent to join as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.