

104TH CONGRESS
2D SESSION

S. 1973

To provide for the settlement of the Navajo-Hopi land dispute, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 18, 1996

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

A BILL

To provide for the settlement of the Navajo-Hopi land dispute, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Navajo-Hopi Land
5 Dispute Settlement Act of 1996”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) it is in the public interest for the Tribe,
9 Navajos residing on the Hopi Partitioned Lands,
10 and the United States to reach a peaceful resolution

1 of the longstanding disagreements between the par-
2 ties under the Act commonly known as the “Navajo-
3 Hopi Land Settlement Act of 1974” (Public Law
4 93–531; 25 U.S.C. 640d et seq.);

5 (2) it is in the best interest of the Tribe and
6 the United States that there be a fair and final set-
7 tlement of certain issues remaining in connection
8 with the Navajo-Hopi Land Settlement Act of 1974,
9 including the full and final settlement of the mul-
10 tiple claims that the Tribe has against the United
11 States;

12 (3) this Act, together with the Settlement
13 Agreement executed on December 14, 1995, and the
14 Accommodation Agreement (as incorporated by the
15 Settlement Agreement), provide the authority for the
16 Tribe to enter agreements with eligible, traditional
17 Navajo families in order for those families to remain
18 residents of the Hopi Partitioned Lands for a period
19 of 75 years, subject to the terms and conditions of
20 the Accommodation Agreement;

21 (4) the United States acknowledges and re-
22 spects—

23 (A) the sincerity of the traditional beliefs
24 of the members of the Tribe and the Navajo

1 families residing on the Hopi Partitioned
2 Lands; and

3 (B) the importance that the respective tra-
4 ditional beliefs of the members of the Tribe and
5 Navajo families have with respect to the culture
6 and way of life of those members and families;

7 (5) this Act, the Settlement Agreement, and the
8 Accommodation Agreement provide for the mutual
9 respect and protection of the traditional religious be-
10 liefs and practices of the Navajo families residing on
11 the Hopi Partitioned Lands; and

12 (6) the Tribe is encouraged to work with the
13 Navajo families residing on the Hopi Partitioned
14 Lands to address their concerns regarding the estab-
15 lishment of family or individual burial plots for de-
16 ceased family members who have resided on the
17 Hopi Partitioned Lands.

18 **SEC. 3. DEFINITIONS.**

19 Except as otherwise provided in this Act, for purposes
20 of this Act, the following definitions shall apply:

21 (1) ACCOMMODATION.—The term “Accommoda-
22 tion” has the meaning provided the term “Accom-
23 modation” under the Settlement Agreement.

24 (2) HOPI PARTITIONED LANDS.—The term
25 “Hopi Partitioned Lands” means lands located in

1 the Hopi Partitioned Area, as defined in section
2 168.1(g) of title 25, Code of Federal Regulations (as
3 in effect on the date of enactment of this Act).

4 (3) NAVAJO PARTITIONED LANDS.—The term
5 “Navajo Partitioned Lands” has the meaning pro-
6 vided that term in the proposed regulations issued
7 on November 1, 1995, at 60 Fed. Reg. 55506.

8 (4) NEW LANDS.—The term “New Lands” has
9 the meaning provided that term in section
10 700.701(b) of title 25, Code of Federal Regulations.

11 (5) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 (6) SETTLEMENT AGREEMENT.—The term
14 “Settlement Agreement” means the agreement be-
15 tween the United States and the Hopi Tribe exe-
16 cuted on December 14, 1995.

17 (7) TRIBE.—The term “Tribe” means the Hopi
18 Tribe.

19 **SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT.**

20 The United States approves, ratifies, and confirms
21 the Settlement Agreement.

22 **SEC. 5. CONDITIONS FOR LANDS TAKEN INTO TRUST.**

23 The Secretary shall take such action as may be nec-
24 essary to ensure that the following conditions are met

1 prior to taking lands into trust for the benefit of the Tribe
2 pursuant to the Settlement Agreement:

3 (1) SELECTION OF LANDS TAKEN INTO
4 TRUST.—

5 (A) PRIMARY AREA.—In accordance with
6 section 7(a) of the Settlement Agreement, the
7 primary area within which lands may be taken
8 into trust by the Secretary for the benefit of the
9 Tribe under the Settlement Agreement shall be
10 located in northern Arizona.

11 (B) REQUIREMENTS FOR LANDS TAKEN
12 INTO TRUST IN THE PRIMARY AREA.—Lands
13 taken into trust in the primary area referred to
14 in subparagraph (A) shall be—

15 (i) land that is used substantially for
16 ranching, agriculture, or another similar
17 use; and

18 (ii) to the extent feasible, in contig-
19 uous parcels.

20 (2) ACQUISITION OF LANDS.—Before taking
21 any land into trust for the benefit of the Tribe
22 under this section, the Secretary shall ensure that:

23 (A) At least 75 percent of the eligible Nav-
24 ajo heads of household (as determined under
25 the Settlement Agreement) have entered into an

1 accommodation or have chosen to relocate and
 2 are eligible for relocation assistance (as deter-
 3 mined under the Settlement Agreement).

4 (B) The Tribe has consulted with the State
 5 of Arizona concerning the lands proposed to be
 6 placed in trust, including consulting the State
 7 concerning the impact of placing those lands
 8 into trust on the State and political subdivisions
 9 thereof resulting from the removal of land from
 10 the tax rolls in a manner consistent with the
 11 provisions of part 151 of title 25, Code of Fed-
 12 eral Regulations.

13 **SEC. 6. ACQUISITION THROUGH CONDEMNATION OF CER-**
 14 **TAIN INTERSPERSED LANDS.**

15 (a) IN GENERAL.—

16 (1) ACTION BY THE SECRETARY.—

17 (A) IN GENERAL.—The Secretary shall
 18 take action as specified in subparagraph (B), to
 19 the extent that the Tribe, in accordance with
 20 section 7(b) of the Settlement Agreement—

21 (i) acquires private lands; and

22 (ii) requests the Secretary to acquire
 23 through condemnation interspersed lands
 24 that are owned by the State of Arizona
 25 and are located within the exterior bound-

1 aries of those private lands in order to
2 have both the private lands and the State
3 lands taken into trust by the Secretary for
4 the benefit of the Tribe.

5 (B) ACQUISITION THROUGH CONDEMNATION.—With respect to a request for an acquisition of lands through condemnation made under subparagraph (A), the Secretary shall, upon the recommendation of the Tribe, take such action as may be necessary to acquire the lands through condemnation and pay the State of Arizona fair market value for those lands in accordance with applicable Federal law, if the conditions described in paragraph (2) are met.

15 (2) CONDITIONS FOR ACQUISITION THROUGH
16 CONDEMNATION.—The Secretary may acquire lands
17 through condemnation under this subsection if—

18 (A) that acquisition is consistent with the
19 purpose of obtaining not more than 500,000
20 acres of land to be taken into trust for the
21 Tribe;

22 (B) the State of Arizona concurs with the
23 United States that the acquisition is consistent
24 with the interests of the State; and

1 (C) the Tribe pays for the land acquired
2 through condemnation under this subsection.

3 (b) DISPOSITION OF LANDS.—If the Secretary ac-
4 quires lands through condemnation under subsection (a),
5 the Secretary shall take those lands into trust for the
6 Tribe in accordance with this Act and the Settlement
7 Agreement.

8 (c) PRIVATE LANDS.—The Secretary may not ac-
9 quire private lands through condemnation for the purpose
10 specified in subsection (a)(2)(A).

11 **SEC. 7. ACTION TO QUIET TITLE.**

12 If the United States fails to discharge the obligations
13 specified in section 9(c) of the Settlement Agreement with
14 respect to voluntary relocation of Navajos residing on
15 Hopi Partitioned Lands, or section 9(d) of the Settlement
16 Agreement, relating to the implementation of sections
17 700.137 through 700.139 of title 25, Code of Federal
18 Regulations, on the New Lands, including failure for rea-
19 son of insufficient funds made available by appropriations
20 or otherwise, the Tribe may bring an action to quiet pos-
21 session that relates to the use of the Hopi Partitioned
22 Lands after February 1, 2000, by a Navajo family that
23 is eligible for an accommodation, but fails to enter into
24 an accommodation.

1 **SEC. 8. PAYMENTS IN LIEU OF TAXES.**

2 Section 6901(1) of title 31, United States Code, is
3 amended—

4 (1) by striking “or” at the end of subparagraph
5 (F);

6 (2) by striking the period at the end of sub-
7 paragraph (G) and inserting “; and”; and

8 (3) by inserting at the end the following new
9 subparagraph:

10 “(H) Fee lands owned by the Hopi Tribe
11 or members of the Hopi Tribe that are taken
12 into trust by the Secretary of the Interior pur-
13 suant to the agreement between the United
14 States and the Hopi Tribe executed on Decem-
15 ber 14, 1995.”.

16 **SEC. 9. 75-YEAR LEASING AUTHORITY.**

17 The first section of the Act of August 9, 1955 (69
18 Stat. 539, chapter 615; 25 U.S.C. 415) is amended—

19 (1) in subsection (a), by inserting before the pe-
20 riod at the end of the second sentence the following:

21 “, and except leases of land by the Hopi Tribe to
22 Navajo Indians on the Hopi Partitioned lands, which
23 may be for a term of years not to exceed seventy-
24 five years”; and

25 (2) by adding at the end the following new
26 subsection:

1 “(c) For purposes of this section—

2 “(1) the term ‘Hopi Partitioned Lands’ means
3 lands located in the Hopi Partitioned Area, as de-
4 fined in section 168.1 (g) of title 25, Code of Fed-
5 eral Regulations (as in effect on the date of enact-
6 ment of this subsection); and

7 “(2) the term ‘Navajo Indians’ means members
8 of the Navajo Tribe.”.

9 **SEC. 10. REAUTHORIZATION OF THE NAVAJO-HOPI**
10 **RELOCATION HOUSING PROGRAM.**

11 Section 25(a)(8) of Public Law 93–531 (25 U.S.C.
12 640d–24(a)(8)) is amended by striking “1996, and 1997”
13 and inserting “1996, 1997, 1998, 1999, and 2000”.

○