

104TH CONGRESS
2D SESSION

S. 2111

To amend the Act commonly known as the “Navajo-Hopi Land Settlement Act of 1974”, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24 (legislative day, SEPTEMBER 20), 1996

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

A BILL

To amend the Act commonly known as the “Navajo-Hopi Land Settlement Act of 1974”, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 SHORT TITLE.—This Act may be cited as the “Nav-
5 ajo-Hopi Land Settlement Act Amendments of 1996”.

1 **TITLE I—AMENDMENTS TO THE**
 2 **NAVAJO-HOPI LAND SETTLE-**
 3 **MENT ACT OF 1974**

4 **SEC. 101. REFERENCES.**

5 Whenever in this Act an amendment or repeal is ex-
 6 pressed in terms of an amendment or repeal to a section
 7 or other provision, the references shall be considered to
 8 be made to a section or other provision of the Act com-
 9 monly known as the Navajo-Hopi Land Settlement Act of
 10 1974 (Public law 93–531; 25 U.S.C. 640 et seq.).

11 **SEC. 102. AMENDMENTS TO THE NAVAJO-HOPI LAND SET-**
 12 **TLEMENT ACT OF 1974.**

13 (a) **REPEALS.**—Sections 1 through 5 (25 U.S.C.
 14 640d through 640d–4) and section 30 (25 U.S.C. 640d–
 15 28) are each repealed.

16 (b) **AMENDMENTS AND REDESIGNATIONS.**—

17 (1) Section 6 (25 U.S.C. 640d–5) is amended—

18 (A) by striking the matter preceding sub-
 19 section (a) through subsection (c);

20 (B) by inserting the following before sub-
 21 section (d):

22 **“SECTION 1. PARTITIONED LANDS.”;**

23 (C) by redesignating subsection (d) as sub-
 24 section (a);

25 (D) by striking subsections (e) and (f); and

1 (E) by redesignating subsections (g) and
2 (h) as subsections (b) and (c), respectively; and
3 (F) in subsection (a), as so redesignated,
4 by striking “In any partition of the surface
5 rights to the joint use area,” and inserting the
6 following: “With regard to the final order is-
7 sued by the United States District Court for
8 the District of Arizona (hereafter in this Act re-
9 ferred to as the ‘District Court’) on August 30,
10 1978, that provides for the partition of surface
11 rights and interest of the Navajo and Hopi
12 Tribes (hereafter in this Act referred to as the
13 ‘Tribes’) in lands laying within the reservation
14 established by Executive order on December 16,
15 1982,”.

16 (2) Section 7 (25 U.S.C. 640d–6) is amended
17 by striking “SEC. 7. Partitioned” and inserting the
18 following:

19 **“SEC. 2. JOINT OWNERSHIP OF MINERALS.**

20 “Partitioned.”.

21 (3) Section 8 (25 U.S.C. 640d–7) is amended—
22 (A) by striking “SEC. 8. (a) Either tribe”
23 and inserting the following:

1 **“SEC. 3. ACTIONS.**

2 “(a) AUTHORIZATION TO COMMENCE AND DEFEND
3 ACTIONS IN DISTRICT COURT.—Either tribe”;

4 (B) in subsection (b), by inserting “ALLO-
5 CATION OF LAND TO RESPECTIVE RESERVA-
6 TIONS UPON DETERMINATION OF INTER-
7 ESTS.—” after “(b)”;

8 (C) in subsection (c)—

9 (i) by inserting “ACTIONS FOR AC-
10 COUNTING, FAIR VALUE OF GRAZING, AND
11 CLAIMS FOR DAMAGES TO LAND.—” after
12 “(c)”; and

13 (ii) by striking “section 18” each
14 place it appears and inserting “section
15 12”;

16 (D) in subsection (d), by inserting “RULE
17 OF CONSTRUCTION.—” after “(d)”;

18 (E) in subsection (e), by inserting “PAY-
19 MENT OF LEGAL FEES, COURT COSTS, AND
20 OTHER EXPENSES.—” after “(e)”; and

21 (F) by striking subsection (f).

22 (4) Section 9 (25 U.S.C. 640d–8) is amended
23 by striking “SEC. 9. Notwithstanding” and inserting
24 the following:

25 **“SEC. 4. PAUTE INDIAN ALLOTMENTS.**

26 “Notwithstanding.”.

1 (5) Section 10 (25 U.S.C. 630d–9) is amend-
2 ed—

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

5 **“SEC. 5. PARTITIONED AND OTHER DESIGNATED LANDS.**

6 “(a) NAVAJO TRUST LANDS.—”;

7 (B) in subsection (a), by striking “sections
8 9 and 16(a)” and inserting “sections 4 and
9 10(a)”;

10 (C) in subsection (b)—

11 (i) by inserting “HOPI TRUST
12 LANDS.—” after “(b)”;

13 (ii) by striking “sections 9 and 16(a)”
14 and inserting “sections 4 and 10(a)”;

15 (iii) by striking “sections 2 and 3”
16 and inserting “section 1”; and

17 (iv) by striking “section 8” and in-
18 serting “section 3”;

19 (D) in subsection (c)—

20 (i) by inserting “PROTECTION OF
21 RIGHTS AND PROPERTY.—” after “(c)”;

22 and

23 (ii) by striking the comma after “pur-
24 suant thereto” and all that follows through

1 the end of the subsection and inserting a
2 period;

3 (E) in subsection (d), by inserting “PRO-
4 TECTION OF BENEFITS AND SERVICES.—”
5 after “d”); and

6 (F) in subsection (e)—

7 (i) by inserting “TRIBAL JURISDIC-
8 TION OVER PARTITIONED LANDS.—” after
9 “(e)”; and

10 (ii) in the last sentence, by striking
11 “life tenants and”.

12 (6) Section 11 (25 U.S.C. 640d–10) is amend-
13 ed—

14 (A) by striking “SEC. 11. (a) The Sec-
15 retary” and inserting the following:

16 **“SEC. 6. RESETTLEMENT LANDS FOR NAVAJO TRIBE.**

17 **“(a) TRANSFER OF LANDS.—The Secretary”;**

18 (B) in subsection (b), by inserting “PROX-
19 IMITY OF LANDS TO BE TRANSFERRED OR AC-
20 QUIRED.—”, before “(b)”;

21 (C) in subsection (c)—

22 (i) by inserting “SELECTION OF
23 LANDS TO BE TRANSFERRED OR AC-
24 QUIRED.—” after “(c)”; and

1 (ii) by striking the period at the end
 2 and inserting the following: “: *Provided*
 3 *further*, That the authority of the Commis-
 4 sioner to select lands under this subsection
 5 shall terminate on September 30, 2000.”;

6 (D) in subsection (d), by inserting “RE-
 7 PORTS.—” after “(d)”;

8 (E) in subsection (e), by inserting “PAY-
 9 MENTS.—” after “(e)”;

10 (F) in subsection (f), by inserting “ACQUI-
 11 SITION OF TITLE TO SURFACE AND SUB-
 12 SURFACE INTERESTS.—” after “(f)”;

13 (G) in subsection (g), by inserting “LANDS
 14 NOT AVAILABLE FOR TRANSFER.—” after
 15 “(g)”;

16 (H) in subsection (h)—

17 (i) by inserting “ADMINISTRATION OF
 18 LANDS TRANSFERRED OR ACQUIRED.—”
 19 after “(h)”;

20 (ii) by striking the period at the end
 21 and inserting the following: “: *Provided*
 22 *further*, That, in order to facilitate reloca-
 23 tion, in the discretion of the Commissioner,
 24 the Commissioner may grant homesite
 25 leases on land acquired pursuant to this

section to members of the extended family of a Navajo who is certified as eligible to receive benefits under this Act, except that the Commissioner may not expend, or otherwise make available funds made available by appropriations to the Commissioner to carry out this Act, to provide housing to those extended family members.”; and

(I) in subsection (i)—

(i) by inserting “NEGOTIATIONS REGARDING LAND EXCHANGES OR LEASES.” after “(i)”; and

(ii) by striking “section 23” and inserting “section 18”.

(7) Section 12 (25 U.S.C. 640d–11) is amended—

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

“SEC. 7. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

“(a) ESTABLISHMENT.—There is hereby”;

(B) in subsection (b), by inserting “APPOINTMENT—” after “(b)”;

(C) in subsection (c), by inserting “CONTINUATION OF POWERS.—” after “(c)”;

1 (D) in subsection (d), by inserting “Pow-
2 ERS OF COMMISSIONER.—” after “(d)”;

3 (E) in subsection (e), by inserting “AD-
4 MINISTRATION.—” after “(e)”;

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

7 “(f) TERMINATION.—The Office of Navajo and Hopi
8 Indian Relocation shall cease to exist on September 30,
9 2001. On that date, any functions of the Office that have
10 not been fully discharged, as determined in accordance
11 with this Act shall be transferred to the Secretary of the
12 Interior in accordance with title III of the Navajo-Hopi
13 Land Settlement Act Amendments of 1996.”; and

14 (G) by adding at the end the following new
15 subsections:

16 “(g) OFFICE OF RELOCATION.—Effective on October
17 1, 2001, there is established in the Department of the In-
18 terior an Office of Relocation. The Secretary of the Inte-
19 rior, acting through the Office of Relocation, shall carry
20 out the functions of the Office of Navajo and Hopi Indian
21 Relocation transferred to the Secretary of the Interior in
22 accordance with title III of the Navajo-Hopi Land Settle-
23 ment Act Amendments of 1996.

24 “(h) TERMINATION OF OFFICE OF RELOCATION.—
25 The Office of Relocation shall cease to exist on the date

1 on which the Secretary of the Interior determines that the
 2 functions of the Office have been fully discharged.”.

3 (8) Section 13 (25 U.S.C. 640d–12) is amend-
 4 ed—

5 (A) by striking “SEC. 13. (a) Within” and
 6 inserting the following:

7 **“SEC. 13. REPORT CONCERNING RELOCATION OF HOUSE-**
 8 **HOLDS AND MEMBERS OF EACH TRIBE.**

9 “(a) IN GENERAL.—Within”;

10 (B) in subsection (b), by inserting “CON-
 11 TENT OF REPORT.—” after “(b)”;

12 (C) in subsection (c), by inserting “DE-
 13 TAILED PLAN FOR RELOCATION.—” after
 14 “(c)”;

15 (9) Section 14 (25 U.S.C. 640d–13) is amend-
 16 ed—

17 (A) by striking “SEC. 14. (a) Consistent”
 18 and inserting the following:

19 **“SEC. 8. RELOCATION OF HOUSEHOLDS AND MEMBERS.**

20 “(a) AUTHORIZATION.—”;

21 (B) in subsection (a)—

22 (i) in the first sentence—

23 (I) by striking “section 8” each
 24 place it appears and inserting “section
 25 3”; and

1 (II) by striking “sections 2 and
2 3” and inserting “section 1”; and

3 (ii) by striking the second sentence;

4 (C) in subsection (b)—

5 (i) by inserting “ADDITIONAL PAY-
6 MENTS TO HEADS OF HOUSEHOLDS” after
7 “(b)”; and

8 (ii) by striking “section 15” and in-
9 serting “section 9”;

10 (D) in subsection (c), by inserting “PAY-
11 MENTS FOR PERSONS MOVING AFTER A CER-
12 TAIN DATE.—”; and

13 (E) by adding at the end the following new
14 subsection:

15 “(d) PROHIBITION.—No payment for benefits under
16 this Act may be made to any head of a household if, as
17 of September 30, 2001, that head has not been certified
18 as eligible to receive those payments.”.

19 (10) In section 15 (25 U.S.C. 640d–14)—

20 (A) by striking “SEC. 15. (a) The Commis-
21 sion” and inserting the following:

22 **“SEC. 9. RELOCATION HOUSING.**

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

1 (B) in the last sentence of subsection (a),
 2 by striking “as determined under section
 3 13(b)(2) of this title”;

4 (C) in subsection (b), by inserting “REIM-
 5 BURSEMENT FOR MOVING EXPENSES AND PAY-
 6 MENT FOR REPLACEMENT DWELLING.—” after
 7 “(b)”;

8 (D) in subsection (c)—

9 (i) by inserting “STANDARDS; CER-
 10 TAIN PAYMENTS.—” after “(c)”;

11 (ii) by striking “section 8” and insert-
 12 ing “section 3”; and

13 (iii) by striking “section 3 or 4 of this
 14 title” and inserting “section 1”;

15 (E) in subsection (d), by inserting “METH-
 16 ODS OF PAYMENT.—” after “(d)”;

17 (F) by striking subsection (g);

18 (G) by redesignating subsections (e) and
 19 (f) as subsections (g) and (h), respectively;

20 (H) by inserting after subsection (d) the
 21 following new subsections:

22 “(e) BENEFITS HELD IN TRUST.—

23 “(1) IN GENERAL.—On September 30, 2001,
 24 the Commissioner shall notify the Secretary of the
 25 Interior (hereafter in this subsection referred to as

1 the ‘Secretary’) of the identity of any head of house-
2 hold that is certified as eligible to receive benefits
3 under this Act (hereafter in this subsection referred
4 to as an ‘eligible head of household’) who, as of such
5 date—

6 “(A) does not reside on lands that have
7 been partitioned to the tribe of that eligible
8 head of household; and

9 “(B) has not received a replacement home.

10 “(2) TRANSFER OF FUNDS.—On the date speci-
11 fied in paragraph (1), the Commissioner shall trans-
12 fer to the Secretary any unexpended funds that were
13 made available to the Commissioner for the purpose
14 of making payments under this Act to the eligible
15 heads of household referred to in paragraph (1).

16 “(3) DISPOSITION OF TRANSFERRED FUNDS.—

17 “(A) IN GENERAL.—The Secretary shall
18 hold the funds transferred under paragraph (2)
19 in trust for the eligible heads of household re-
20 ferred to in paragraph (1). The Secretary shall
21 provide payments in amounts that would have
22 otherwise have been made to an eligible head of
23 household before the date specified in para-
24 graph (1) from the amounts held in trust—

1 “(i) upon request of the eligible head
 2 of household, to be used for a replacement
 3 home; or

4 “(ii) if the eligible head of household
 5 does not make a request under clause (i),
 6 upon the death of the eligible head of
 7 household, in accordance with subpara-
 8 graph (B).

9 “(B) DISTRIBUTION OF FUNDS UPON THE
 10 DEATH OR AN ELIGIBLE HEAD OF HOUSE-
 11 HOLD.—If, upon the death of an eligible head
 12 of household, the Secretary holds funds in trust
 13 under this paragraph for that eligible head of
 14 household, the Secretary shall—

15 “(i) determine and notify the heirs of
 16 the head of household; and

17 “(ii) distribute the funds to—

18 “(I) the heirs who have attained
 19 the age of 18; and

20 “(II) each remaining heir, at the
 21 time that the heir attains the age of
 22 18.

23 “(f) NOTIFICATION.—

24 “(1) IN GENERAL.—Not later than 180 days
 25 after the date of enactment of the Navajo-Hopi

1 Land Settlement Act Amendments of 1996, the
2 Commissioner shall, in accordance with section
3 700.138 of title 25, Code of Federal Regulations,
4 notify each eligible head of household who has not
5 entered into a lease with the Hopi Tribe to reside
6 on lands partitioned to the Hopi Tribe.

7 “(2) LIST.—Upon the expiration of the notice
8 periods referred to in section 700.139 of title 25,
9 Code of Federal Regulations, the Commissioner shall
10 forward to the Secretary and the United States At-
11 torney for the District of Arizona a list containing
12 the name and address of each eligible head of house-
13 hold who—

14 “(A) continues to reside on lands that have
15 not been partitioned to the tribe of that eligible
16 head of household; and

17 “(B) has not entered into a lease to reside
18 on those lands.

19 “(3) CONSTRUCTION OF REPLACEMENT
20 HOMES.—Before July 1, 1999, the Commissioner
21 may commence construction of a replacement home
22 on the lands acquired under section 6 not later than
23 90 days after receiving a notice of the imminent re-
24 moval of a relocatee from the lands partitioned
25 under this Act to the Hopi Tribe from—

1 “(A) the Secretary; or

2 “(B) the United States Attorney for the
3 District of Arizona.”;

4 (I) in subsection (g), as redesignated by
5 subparagraph (G)—

6 (i) by inserting “DISPOSAL OF AC-
7 QUIRED DWELLINGS AND IMPROVE-
8 MENTS.—” after “(g)”

9 (ii) by striking “section 8” and insert-
10 ing “section 3”; and

11 (iii) by striking “section 3 or 4 of this
12 title” and inserting “section 1”;

13 (J) in subsection (h), as redesignated by
14 subparagraph (G), by inserting “PREF-
15 ERENTIAL TREATMENT FOR HEADS OF HOUSE-
16 HOLDS OF THE NAVAJO TRIBE EVICTED FROM
17 THE HOPI RESERVATION BY JUDICIAL DECISION.—”; and

18
19 (K) by adding after subsection (h) the fol-
20 lowing new subsections:

21 “(i) APPEALS.—

22 “(1) IN GENERAL.—The Commissioner shall es-
23 tablish an expedited hearing procedure that shall
24 apply to an appeal relating to the denial of eligibility

1 for benefits under this Act (including the regulations
2 issued under this Act) that is—

3 “(A) pending on the date of enactment of
4 Navajo-Hopi Land Settlement Act Amendments
5 of 1996; or

6 “(B) filed after the date specified in sub-
7 paragraph (A).

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

10 “(A) as necessary, provide for a hearing
11 before an impartial third party: and

12 “(B) ensure the achievement of a final de-
13 termination by the Office of Navajo and Hopi
14 Indian Relocation for each appeal described in
15 that paragraph not later than January 1, 1999.

16 “(3) NOTICE.—

17 “(A) IN GENERAL.—Not later than 30
18 days after the date of enactment of the Navajo-
19 Hopi Land Settlement Act Amendments of
20 1996, the Commissioner shall provide written
21 notice to any individual that the Commissioner
22 determines may have the right to a determina-
23 tion of eligibility for benefits under this Act.

24 “(B) REQUIREMENTS FOR NOTICE.—The
25 notice provided under this paragraph shall—

1 “(i) specify that a request for a deter-
2 mination of eligibility referred to in sub-
3 paragraph (A) shall be presented to the
4 Commission not later than 180 days after
5 the date of issuance of the notice; and

6 “(ii) be provided—

7 “(I) by mail (which may be car-
8 ried out by a means other than cer-
9 tified mail) to the last known address
10 (if available) of the recipient; and

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

15 “(j) PROCUREMENT OF SERVICES.—

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

1 “(2) DETAIL OF ADMINISTRATIVE LAW JUDGES
2 OR HEARING OFFICERS.—The Commissioner may re-
3 quest the Secretary to act through the Director of
4 the Office of Hearings and Appeals of the Depart-
5 ment of the Interior, to make available, by detail or
6 other appropriate arrangement, to the Office of Nav-
7 ajo and Hopi Indian Relocation, an administrative
8 law judge or other hearing officer with appropriate
9 qualifications to review the requests referred to in
10 subsection (i)(3)(A).

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

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

21 “(2) REVIEW.—

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

1 “(i) review the entire record (as cer-
 2 tified to the Circuit Court under paragraph
 3 (3)) on which a determination of the ineli-
 4 gibility of the appellant to receive benefits
 5 under this Act was based; and

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

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

12 “(3) NOTICE OF APPEAL.—

13 “(A) IN GENERAL.—An individual who ap-
 14 peals a determination of ineligibility under
 15 paragraph (1) shall, not later than 30 days
 16 after the date of that determination, file a no-
 17 tice of appeal with—

18 “(i) the Circuit Court; and

19 “(ii) the Commissioner.

20 “(B) CERTIFICATION OF RECORD.—Upon
 21 receipt of a notice provided under subparagraph
 22 (A)(ii), the Commissioner shall certify to the
 23 Circuit Court the record on which the deter-
 24 mination that is the subject of the appeal was
 25 made.

1 “(C) REVIEW PERIOD.—The Circuit Court
 2 shall conduct a review and render a decision
 3 under paragraph (2) not later than 60 days
 4 after receiving a certified record under subpara-
 5 graph (B).

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

10 (11) Section 16 (25 U.S.C. 640d–15) is amend-
 11 ed—

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

14 **“SEC. 10. PAYMENT OF FAIR RENTAL VALUE FOR USE OF**
 15 **LANDS.**

16 “(a) IN GENERAL.—The Navajo”;

17 (B) in subsection (a), by striking “sections
 18 8 and 3 or 4” and inserting “sections 1 and 3”;
 19 and

20 (C) in subsection (b)—

21 (i) by inserting “PAYMENT.—” after
 22 “(b)”; and

23 (ii) by striking sections 8 and 3 or 4”
 24 and inserting “sections 1 and 3”.

1 (12) Section 17 (25 U.S.C. 640d–16) is amend-
2 ed—

3 (A) by striking “SEC. 17. (a) Nothing”
4 and inserting the following:

5 **“SEC. 11. STATUTORY CONSTRUCTION.**

6 (a) IN GENERAL.—Nothing”; and

7 (B) in subsection (b), by inserting “FED-
8 ERAL EMPLOYEES.—” after “(b)”.

9 (13) Section 18 (25 U.S.C. 640d–17) is amend-
10 ed—

11 (A) by striking “SEC. 18. (a) Either” and
12 inserting the following:

13 **“SEC. 12. ACTIONS FOR ACCOUNTING, FAIR VALUE OF**
14 **GRAZING, AND CLAIMS FOR DAMAGES TO**
15 **LAND.**

16 “(a) Either”;

17 (B) in the matter preceding paragraph (1)
18 in subsection (a), by striking “section 3 or 4”
19 and inserting “section 1”;

20 (C) in subsection (b)—

21 (i) by inserting “DEFENSES.—” after
22 “(b)”;

23 (ii) by striking “section 3 or 4” and
24 inserting “section 1”;

1 (D) in subsection (c), by inserting “FUR-
 2 THER ORIGINAL, ANCILLARY, OR SUPPLE-
 3 MENTARY ACTS TO INSURE QUIET ENJOY-
 4 MENT.—” after “(c)”;

5 (E) in subsection (d), by inserting “UNIT-
 6 ED STATES AS PARTY; JUDGMENTS AGAINST
 7 THE UNITED STATES” after “(d)”;

8 (F) in subsection (e), by inserting “REM-
 9 EDIES” after “(e)”.

10 (14) Section 19 (25 U.S.C. 640d–18) is amend-
 11 ed—

12 (A) by striking “SEC. 19. (a) Notwith-
 13 standing” and inserting the following:

14 **“SEC. 14. REDUCTION IN LIVESTOCK WITH JOINT USE.**

15 “(a) IN GENERAL.—Notwithstanding”;

16 (B) in subsection (a), by striking “section
 17 3 or 4” and inserting “section 1”;

18 (C) in subsection (b)—

19 (i) by inserting “SURVEY LOCATION
 20 OF MONUMENTS AND FENCING OF
 21 BOUNDARIES.—” after “(b)”;

22 (ii) by striking “sections 8 and 3 or
 23 4” and inserting “sections 1 and 3”;

24 (D) in subsection (c)—

1 (i) by inserting “COMPLETION OF
 2 SURVEYING, MONUMENTING, AND FENC-
 3 ING OPERATIONS; LIVESTOCK REDUCTION
 4 PROGRAM.—” after “(c)”;

5 (ii) by striking “section 4 of this title”
 6 and inserting “section 1”; and

7 (iii) by striking “section 8” and in-
 8 serting “section 3”.

9 (15) Section 20 (25 U.S.C. 640d–19) is amend-
 10 ed by striking “SEC. 20. The members” and insert-
 11 ing the following:

12 **“SEC. 15. PERPETUAL USE OF CLIFF SPRINGS FOR RELI-**
 13 **GIOUS CEREMONIAL USES; PIPING OF WATER**
 14 **FOR USE BY RESIDENTS.**

15 The members”.

16 (16) Section 21 (25 U.S.C. 640d–20) is amend-
 17 ed by striking “SEC. 21. Notwithstanding” and in-
 18 serting the following:

19 **“SEC. 16. USE AND RIGHT OF ACCESS TO RELIGIOUS**
 20 **SHRINES ON RESERVATION OF OTHER TRIBE.**

21 Notwithstanding”.

22 (17) Section 22 (25 U.S.C. 640d–21) is amend-
 23 ed by striking “SEC. 22. The availability” and in-
 24 serting the following:

1 **“SEC. 17. EXCLUSION OF PAYMENTS FROM CERTAIN FED-**
2 **ERAL DETERMINATIONS OF INCOME.**

3 The availability”.

4 (18) Section 23 (25 U.S.C. 649d–22) is amend-
5 ed—

6 (A) by striking “SEC. 23. The Navajo”
7 and inserting the following:

8 **“SEC. 18. AUTHORIZATION FOR EXCHANGE OF RESERVA-**
9 **TION LANDS.**

10 The Navajo”; and

11 (B) by striking “sections 14 and 15” and
12 inserting “sections 8 and 9”.

13 (19) Section 24 (25 U.S.C. 640d–23) is amend-
14 ed by striking “SEC. 24. If” and inserting the fol-
15 lowing:

16 **“SEC. 19. SEVERABILITY OF PROVISIONS.**

17 “If”.

18 (20) Section 25 (25 U.S.C. 640d–24) is amend-
19 ed to read as follows:

20 **“SEC. 20. AUTHORIZATIONS OF APPROPRIATIONS.**

21 “(a) IN GENERAL.—

22 “(1) RECLOCATION OF HOUSEHOLDS AND MEM-
23 BERS.—For the purposes of carrying out the provi-
24 sions of section 9, there are authorized to be appro-
25 priated such sums as may be necessary for each of
26 fiscal years 1998 through 2002.

1 “(2) RETURN TO CARRYING CAPACITY AND IN-
 2 STITUTION OF CONSERVATION PRACTICES.—For the
 3 purposes of carrying out section 14(a), there are au-
 4 thorized to be appropriated \$10,000,000.

5 “(3) SURVEY LOCATION OF MONUMENTS AND
 6 FENCING OF BOUNDARIES.—For the purpose of car-
 7 rying out section 14(b), there are authorized to be
 8 appropriated \$500,000.

9 “(4) RECLOCATION OF HOUSEHOLDS AND MEM-
 10 BERS.—For the purposes of carrying out section
 11 8(b) there are authorized to be appropriated
 12 \$13,000,000.”.

13 (21) Section 26 (88 Stat. 1723) is repealed.

14 (22) Section 27 (25 U.S.C. 640d–25) is amend-
 15 ed—

16 (A) by striking “SEC. 27.” and all that fol-
 17 lows through subsection (b) and inserting the
 18 following:

19 **“SEC. 21. FUNDING AND CONSTRUCTION OF HOPI HIGH**
 20 **SCHOOL AND MEDICAL CENTER.”; and**

21 (B) in subsection (c), by striking “(c)”.

22 (23) Section 28 (25 U.S.C. 640d–26) is amend-
 23 ed—

24 (A) by striking “SEC. 28. (a) No action”
 25 and inserting the following:

1 **“SEC. 22. ENVIRONMENTAL IMPACT; APPLICABILITY OF**
2 **WILDERNESS STUDY; CANCELLATION OF**
3 **GRAZING LEASES AND PERMITS.**

4 “(a) IN GENERAL.—No action”;

5 (B) in subsection (b), by inserting “EF-
6 FECT OF WILDERNESS STUDY.—” after “(b)”;

7 and

8 (C) by adding at the end the following new
9 subsection:

10 “(c) CONSTRUCTION REQUIREMENTS.—

11 “(1) IN GENERAL.—Any construction activities
12 that are undertaken under this Act shall be con-
13 ducted in compliance with sections 3 through 7 of
14 Public law 86–523 (16 U.S.C. 469a–1 through
15 469e).

16 “(2) COMPLIANCE WITH OTHER REQUIRE-
17 MENTS.—With respect to any construction activity
18 referred to in paragraph (1), compliance with the
19 provisions referred to in that paragraph shall be
20 considered to satisfy the applicable requirements
21 of—

22 “(A) the Act entitled “An Act to establish
23 a program for the preservation of additional
24 historic properties throughout the Nation, and
25 for other purposes”, approved October 15, 1996
26 (Public Law 89–665); and

1 “(B) The Act entitled “An Act for the
 2 preservation of American antiquities”, approved
 3 June 8, 1906 (34 Stat. 225, chapter 3060).”.
 4 (24) Section 29 (25 U.S.C. 640d–27) is amend-
 5 ed—

6 (A) by striking “SEC. 29. (a) In any” and
 7 inserting the following:

8 **“SEC. 23. ATTORNEY FEES, COST AND EXPENSES FOR LITI-**
 9 **GATION OR COURT ACTION.**

10 “(a) PAYMENT BY SECRETARY; AUTHORIZATION OF
 11 APPROPRIATIONS.—In any;

12 (B) in subsection (b), by inserting “AWARD
 13 BY COURT.—” after “(b)”;

14 (C) in subsection (c), by inserting “EX-
 15 CESS DIFFERENCE.—” after “(c)”; and

16 (D) in subsection (d)—

17 (i) by inserting “LITIGATION OF
 18 COURT ACTIONS APPICABLE.—” after
 19 “d”; and

20 (ii) by striking “section 8” and insert-
 21 ing “section 3”.

22 (25) Section 31 (25 U.S.C. 640d–29) is amend-
 23 ed—

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

1 **“SEC. 24. LOBBYING.**

2 “(a) IN GENERAL.—Except”; and

3 (B) in subsection (b), by inserting “APPLI-
4 CABILITY.—” before “(b)”.

5 (26) The first section designated as section 32
6 (25 U.S.C. 640d–30), as added by section 7 of the
7 Navajo-Hopi Relocation Act Amendments of 1988,
8 is amended—

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

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

12 “(a) IN GENERAL.—There”;

13 (B) in subsection (b), by inserting “DEPOSIT
14 OF INCOME INTO FUND.—” after “(b)”;

15 (C) in subsection (c), by inserting “IN-
16 VESTMENT OF FUNDS.—” after “(c)”;

17 (D) in subsection (d), by inserting “AVAIL-
18 ABILITY OF FUNDS.—” after “d”;

19 (E) in subsection (e), by inserting “EX-
20 PENDITURE OF FUNDS.—” after “(e)”;

21 (F) in subsection (f), by inserting “TERMI-
22 NATION OF TRUST FUND.—” after “(f)”;

23 (G) in subsection (g), by inserting “AU-
24 THORIZATION OF APPROPRIATIONS.—” after
25 “(g)”.

1 (27) Section 32 (25 U.S.C. 640–31), as added
 2 by section 407 of the Arizona-Idaho Conservation
 3 Act of 1988m, is amended by striking “SEC. 32.
 4 Nothing” and inserting the following:

5 **“SEC. 26. AVAILABILITY OF FUNDS FOR RELOCATION AS-**
 6 **SISTANCE REGARDLESS OF PLACE OF RESI-**
 7 **DENCE.”.**

8 “Nothing”.

9 **TITLE II—PERSONNEL OF THE**
 10 **OFFICE OF NAVAJO AND HOPI**
 11 **INDIAN RELOCATION**

12 **SEC. 201. RETENTION PREFERENCE.**

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

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

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

19 (3) by inserting “, or to an employee of the Of-
 20 fice of Navajo and Hopi Indian Relocation before
 21 the period.

22 **SEC. 202. SEPARATION PAY.**

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

1 **§ 5598 Separation pay for certain employees of the**
 2 **Office of Navajo and Hopi Indian Reloca-**
 3 **tion**

4 “(a) IN GENERAL.—Except as provided in sub-
 5 sections (b) and (c), the Commissioner of the Office of
 6 Navajo and Hopi Indian Relocation shall establish a pro-
 7 gram to offer separation pay to employees of the Office
 8 of Navajo and Hopi Indian Relocation (hereafter in this
 9 section referred to as the ‘Office’) in the same manner
 10 as the Secretary of Defense offers separation pay to em-
 11 ployees of a defense agency under section 5597.

12 “(b) SEPARATION PAY.—

13 “(1) IN GENERAL.—Under the program estab-
 14 lished under subsection (a), the Commissioner of the
 15 Office may offer separation pay only to employees
 16 within the occupational groups or at pay levels that
 17 will minimize disruption of ongoing Office programs
 18 at the time that the separation pay is offered.

19 “(2) REQUIREMENT.—Any separation pay of-
 20 fered under this subsection shall—

21 “(A) be paid in a lump sum;

22 “(B) be in an amount equal to \$25,000, if
 23 paid on or before December 31, 1998;

24 “(C) be in an amount equal to \$20,000, if
 25 paid after December 31, 1998, and before Jan-
 26 uary 1, 2000;

1 “(D) be in an amount equal to \$15,000, if
 2 paid after December 31, 1999, and before Jan-
 3 uary 1, 2001;

4 “(E) not—

5 “(i) be a basis for payment;

6 “(ii) be considered as income for the
 7 purposes of computing any other type of
 8 benefit provided by the Federal Govern-
 9 ment; and

10 “(F) if an individual is otherwise entitled
 11 to receive any severance pay under section 5595
 12 on the basis of any other separation, not be
 13 payable in addition to the amount of the sever-
 14 ance pay to which that individual is entitled
 15 under section 5595.

16 “(c) PROHIBITION.—No amount shall be payable
 17 under this section to any employee of the Office for any
 18 separation occurring after December 30, 2000.”.

19 (b) CONFORMING AMENDMENT.—The chapter analy-
 20 sis for chapter 55 of title 5 is amended by adding at the
 21 end the following new item:

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

22 **SEC. 203. IMMEDIATE RETIREMENT.**

23 Section 8336(j)(1)(B) of title 5, United States Code,
 24 is amended by inserting “or was employed by the Office

1 of Navajo and Hopi Indian Relocation during the period
 2 beginning on January 1, 1990, and ending on the date
 3 of separation of that employee” before the final comma.

4 **SEC. 204. COMPUTATION OF ANNUITY.**

5 Section 8339(d) of title 5, United States Code, is
 6 amended by adding at the end the following new para-
 7 graph:

8 “(8) The annuity of an employee of the Office of Nav-
 9 ajo and Hopi Indian Relocation described in section
 10 8336(j)(1)(B) shall be determined under subsection (a),
 11 except that with respect to service of that employee on
 12 or after January 1, 1990, the annuity of that employee
 13 shall be—

14 “(A)(i) 2½ percent of the employee’s average
 15 pay; multiplied by

16 “(ii) so much of the employee’s service on or
 17 after January 1, 1990, as does not exceed 10 years;
 18 plus

19 “(B)(i) 2 percent of the average pay of the em-
 20 ployee; multiplied by

21 “(ii) so much of the service of the employee on
 22 or after January 1, 1990, as exceeds 10 years.”.

1 **SEC. 205. IMMEDIATE RETIREMENT.**

2 Section 8412 of title 5, United States Code, is
3 amended by adding at the end the following new sub-
4 section:

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

8 “(1) has been continuously employed in the Of-
9 fice of Navajo and Hopi Indian Relocation during
10 the period beginning on January 1, 1990, and end-
11 ing on the date of separation of that individual; and

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

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

16 **SEC. 206. COMPUTATION OF BASIC ANNUITY.**

17 Section 8415 of title 5, United States Code, is
18 amended by adding at the end the following new sub-
19 section:

20 “(h) The annuity of an employee retiring under sec-
21 tion 8412(i) shall be determined under subsection (d), ex-
22 cept that with respect to service during the period begin-
23 ning on January 1, 1990, the annuity of the employee
24 shall be—

25 “(1)(A) 2 percent of the average pay of that in-
26 dividual; multiplied by

1 “(B) so much of the total service of that indi-
2 vidual as does not exceed 10 years; plus

3 “(2)(A) 1½ percent of the average pay of the
4 individual; multiplied by

5 “(B) so much of the total service of that indi-
6 vidual as exceeds 10 years.”.

7 **TITLE III—TRANSFER OF FUNC-** 8 **TIONS AND SAVINGS PROVI-** 9 **SIONS**

10 **SEC. 301. DEFINITIONS.**

11 For purposes of this title, unless otherwise provided
12 or indicated by the context—

13 (1) the term “Federal agency” has the meaning
14 given to the term “agency” by section 551(1) of title
15 5, United States Code;

16 (2) the term “function” means any duty, obli-
17 gation, power, authority, responsibility, right, privi-
18 lege, activity, or program; and

19 (3) the term “office” includes any office, ad-
20 ministration, agency, institute, unit, organizational
21 entity, or component thereof.

22 **SEC. 302. TRANSFER OF FUNCTIONS.**

23 Effective on the date specified in section 307, there
24 are transferred to the Department of the Interior all func-
25 tions which Office of Navajo and Hopi Relocation exer-

1 cised before the date of the enactment of this title (includ-
 2 ing all related functions of any officer or employee of the
 3 Office of Navajo and Hopi Relocation) relating to func-
 4 tions of the Office that have not been fully discharged,
 5 as determined in accordance with the Act commonly
 6 known as the “Navajo-Hopi Land Settlement Act of
 7 1974” (Public law 93–531; 25 U.S.C. 640 et seq.).

8 **SEC. 303. TRANSFER AND ALLOCATIONS OF APPROPRIA-**
 9 **TIONS.**

10 Except as otherwise provided in this Act and the
 11 amendments made by this Act, the assets, liabilities, con-
 12 tracts, property, records, and unexpended balances of ap-
 13 propriations, authorizations, allocations, and other funds
 14 employed, used, held, arising from, available to, or to be
 15 made available in connection with the functions trans-
 16 ferred by this title, subject to section 1531 of title 31,
 17 United States Code, shall be transferred to the Depart-
 18 ment of the Interior. Unexpended funds transferred pur-
 19 suant to this section shall be used only for the purposes
 20 for which the funds were originally authorized and appro-
 21 priated.

22 **SEC. 304. SAVINGS PROVISIONS.**

23 (a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—
 24 All orders, determinations, rules, regulations, permits,

1 agreements, grants, contracts, certificates, licenses, reg-
2 istrations, privileges, and other administrative actions—

3 (1) which have been issued, made, granted, or
4 allowed to become effective by the President, any
5 Federal agency or official thereof, or by a court of
6 competent jurisdiction, in the performance of func-
7 tions which are transferred under this title, and

8 (2) which are in effect at the time this title
9 takes effect, or were final before the effective date
10 of this title and are to become effective on or after
11 the effective date of this title,

12 shall continue in effect according to their terms until
13 modified, terminated, superseded, set aside, or revoked in
14 accordance with law by the President, the Secretary of the
15 Interior or other authorized official, a court of competent
16 jurisdiction, or by operation of law.

17 (b) PROCEEDINGS NOT AFFECTED.—The provisions
18 of this title shall not affect any proceedings, including no-
19 tices of proposed rulemaking, or any application for any
20 license, permit, certificate, or financial assistance pending
21 before the Office of Navajo and Hopi Relocation at the
22 time this title takes effect, with respect to functions trans-
23 ferred by this title but such proceedings and applications
24 shall be continued. Orders shall be issued in such proceed-
25 ings, appeals shall be taken therefrom, and payments shall

1 be made pursuant to such orders, as if this title had not
2 been enacted, and orders issued in any such proceedings
3 shall continue in effect until modified, terminated, super-
4 seded, or revoked by a duly authorized official, by a court
5 of competent jurisdiction, or by operation of law. Nothing
6 in this subsection shall be deemed to prohibit the dis-
7 continuance or modification of any such proceeding under
8 the same terms and conditions and to the same extent that
9 such proceeding could have been discontinued or modified
10 if this title had not been enacted.

11 (c) SUITS NOT AFFECTED.—The provisions of this
12 title shall not affect suits commenced before the effective
13 date of this title, and in all such suits, proceedings shall
14 be had, appeals taken, and judgments rendered in the
15 same manner and with the same effect as if this title had
16 not been enacted.

17 (d) NONABATEMENT OF ACTIONS.—No suit, action,
18 or other proceeding commenced by or against Office of
19 Navajo and Hopi Relocation, or by or against any individ-
20 ual in the official capacity of such individual as an officer
21 of Office of Navajo and Hopi Relocation, shall abate by
22 reason of the enactment of this title.

23 (e) ADMINISTRATIVE ACTIONS RELATING TO PRO-
24 MULGATION OF REGULATIONS.—Any administrative ac-
25 tion relating to the preparation or promulgation of a regu-

1 lation by Office of Navajo and Hopi Relocation relating
2 to a function transferred under this title may be continued
3 by the Department of the Interior with the same effect
4 as if this title had not been enacted.

