

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1003

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## AN ACT

To amend the Act of December 22, 1974, and for other purposes.

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

1 (b) TABLE OF CONTENTS.—The table of contents of  
 2 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.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the Act of December 22, 1974 (25 U.S.C.  
4 640d et seq.) (commonly known as the “Navajo-  
5 Hopi Land Settlement Act of 1974”) was enacted to  
6 address the century-long land disputes between the  
7 Navajo Tribe and the Hopi Tribe and to establish a  
8 relocation process to remove, by December 31, 1986,  
9 Navajos and Hopis from land allocated to the other  
10 tribe by requiring the filing of a relocation plan;

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

16 (3) the relocation process has been plagued with  
17 controversy and delay, and Congress has had to  
18 amend the Act several times to authorize the expan-  
19 sion of original relocation activity and to provide ad-  
20 ditional appropriations for the implementation of re-  
21 location activities;

1           (4) the Office of Navajo and Hopi Indian Relo-  
2 cation has reviewed over 4,600 applications, consid-  
3 ered numerous appeals, provided relocation homes  
4 for over 3,600 families;

5           (5) the Office of Navajo and Hopi Indian Relo-  
6 cation has provided financial assistance and tech-  
7 nical support to the Navajo Tribe and the Hopi  
8 Tribe to address the impacts of relocation, including  
9 the operation of livestock grazing programs and re-  
10 sources to assist in the resettlement of individuals;

11           (6) individual Navajos and Hopis have had over  
12 20 years during which to apply for and receive relo-  
13 cation benefits or to appeal a finding of ineligibility  
14 through the Office of Navajo and Hopi Relocation  
15 and in Federal district court; and

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

1 **SEC. 3. EFFECT OF ACT.**

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

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

9 (A) land; or

10 (B) any settlement agreement; or

11 (2) authorizes any cause of action not in exist-  
12 ence on the day before the date of enactment of this  
13 Act.

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

16 **SEC. 101. REPEAL OF SECTIONS.**

17 (a) IN GENERAL.—The Act of December 22, 1974  
18 (25 U.S.C. 640d et seq.), is amended in the first undesig-  
19 nated section by striking “That, (a) within” and all that  
20 follows through the end of the section.

21 (b) ADDITIONAL REPEALS.—Sections 2 through 5  
22 and sections 26, 28, and 30 of the Act of December 22,  
23 1974 (25 U.S.C. 640d–1 through 640d–4; 88 Stat. 1723;  
24 25 U.S.C. 640d–26, 640d–28), are repealed.

1 **SEC. 102. SHORT TITLE; DEFINITIONS.**

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

6 **“SECTION 1. SHORT TITLE.**

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

9 **“SEC. 2. DEFINITIONS.**

10 “In this Act:

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

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

16 “(3) TRIBE.—The term ‘Tribe’ means—

17 “(A) the Navajo Indian Tribe; and

18 “(B) the Hopi Indian Tribe.”

19 **SEC. 103. JOINT OWNERSHIP OF MINERALS.**

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

22 (1) by striking “SEC. 7. Partition” and insert-  
23 ing the following:

24 **“SEC. 3. JOINT OWNERSHIP OF MINERALS.**

25 “(a) IN GENERAL.—Partition”; and

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

3           “(b) JOINT MANAGEMENT.—All”.

4   **SEC. 104. ACTIONS.**

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

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

9   **“SEC. 4. ACTIONS.**

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

11          (2) in subsection (b)—

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

14          “(b) ALLOCATION OF LAND.—

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

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

18                “(2) HOPI RESERVATION.—Any land”; and

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

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

23          (3) in subsection (c)—

24                (A) by striking “(c)(1) Either” and insert-  
25                ing the following:

1 “(c) EXCHANGE OF LAND.—

2 “(1) IN GENERAL.—Either”;

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

5 “(2) INTERESTS OF TRIBES.—If”;

6 (C) in paragraph (3), by striking “(3) Nei-  
7 ther” and inserting the following:

8 “(3) DEFENSE.—Neither”; and

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

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

13 “(d) EFFECT OF SECTION.—Nothing”;

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

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

18 (6) by striking subsection (f).

19 **SEC. 105. PAIUTE INDIAN ALLOTMENTS.**

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

23 **“SEC. 5. PAIUTE INDIAN ALLOTMENTS.**

24 “Notwithstanding”.

1 **SEC. 106. PARTITIONED AND OTHER DESIGNATED LAND.**

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

4 (1) by striking “SEC. 10. (a) Subject” and in-  
5 serting the following:

6 **“SEC. 6. PARTITIONED AND OTHER DESIGNATED LAND.**

7 “(a) NAVAJO TRUST LAND.—Subject”;

8 (2) in subsection (a), by striking “section 9 and  
9 subsection (a) of section 17” and inserting “sections  
10 5 and 13(a)”;

11 (3) in subsection (b)—

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

14 “(b) HOPI TRUST LAND.—Subject”;

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

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

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

24 (4) in subsection (c)—

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

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

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

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

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

10              (6) in subsection (e)—

11              (A) by striking “(e)(1) Lands” and insert-  
12       ing the following:

13       “(e) TRIBAL JURISDICTION OVER PARTITIONED  
14 LAND.—

15              “(1) IN GENERAL.—Land”;

16              (B) by adjusting the margins of subpara-  
17       graphs (A) and (B) of paragraph (1) appro-  
18       priately; and

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

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

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

25              (ii) by striking “life tenants and”.

1 **SEC. 107. RESETTLEMENT LAND FOR NAVAJO TRIBE.**

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

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

6 **“SEC. 7. RESETTLEMENT LAND FOR NAVAJO TRIBE.**

7 “(a) TRANSFER OF LAND.—

8 “(1) IN GENERAL.—The Secretary”;

9 (2) by striking “(1) transfer not to exceed two  
10 hundred and fifty thousand acres of lands” and in-  
11 sserting the following:

12 “(A) transfer not more than 250,000 acres  
13 of land (including any acres previously trans-  
14 ferred under this Act)”;

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

18 (4) in the first paragraph designated as para-  
19 graph (2)—

20 (A) by striking “(2) on behalf” and insert-  
21 ing the following:

22 “(B) on behalf”; and

23 (B) by striking the second sentence;

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

26 (A) in the first sentence—

1 (i) by striking “Subject to” and all  
2 that follows through “all rights” and in-  
3 serting the following:

4 “(4) REQUIREMENTS OF TRANSFER.—

5 “(A) IN GENERAL.—Subject to this para-  
6 graph, all rights”; and

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

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

11 “(B) COAL LEASE APPLICATIONS.—

12 “(i) IN GENERAL.—If”;

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

15 “(ii) ISSUANCE OF LEASES.—If an ad-  
16 judication under clause (i)”;

17 (D) in the fourth sentence, by striking  
18 “The leaseholders rights and interests” and in-  
19 serting the following:

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

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

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

3           (6) by inserting after paragraph (1)(B) (as re-  
4           designated by paragraph (4)) the following:

5           “(2) EXCHANGE OF LAND.—

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

11          “(B) UNEQUAL VALUE.—If the State or  
12          private land described in subparagraph (A) is of  
13          unequal value to the land described in para-  
14          graph (1)(A), the recipient of the land that is  
15          of greater value shall pay to the other party to  
16          the exchange under subparagraph (A) com-  
17          pensation in an amount not to exceed the lesser  
18          of—

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

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

24          “(C) RESPONSIBILITY OF SECRETARY.—  
25          The Secretary shall make reasonable efforts to

1           reduce any payment under subparagraph (B) to  
2           the lowest practicable amount.

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

8           (7) in the second paragraph designated as para-  
9           graph (2)—

10           (A) in the first sentence—

11           (i) by striking “(2) Those” and insert-  
12           ing the following:

13           “(5) STATE RIGHTS.—

14           “(A) IN GENERAL.—The”; and

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

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

20           “(B) STATE INTERESTS.—The”.

21           (b) PROXIMITY OF LAND; EXCHANGES OF LAND.—  
22           Section 11(b) of the Act of December 22, 1974 (25 U.S.C.  
23           640d–10(b)), is amended by striking “(b) A border” and  
24           inserting the following:

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

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

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

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

10           (2) by striking the period at the end and insert-  
11 ing the following: “: *Provided further*, That the au-  
12 thority of the Commissioner to select lands under  
13 this subsection shall terminate on September 30,  
14 2008.”.

15       (d) REPORTS.—Section 11(d) of the Act of December  
16 22, 1974 (25 U.S.C. 640d–10(d)), is amended by striking  
17 “(d) The” and inserting the following:

18       “(d) REPORTS.—The”.

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

22       “(e) PAYMENTS.—Payments”.

23       (f) ACQUISITION OF TITLE TO SURFACE AND SUB-  
24 SURFACE INTERESTS.—Section 11(f) of the Act of Decem-  
25 ber 22, 1974 (25 U.S.C. 640d–10(f)), is amended—

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

3           “(f) ACQUISITION OF TITLE TO SURFACE AND SUB-  
4 SURFACE INTERESTS.—

5           “(1) IN GENERAL.—For”;

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

8           “(2) PUBLIC NOTICE; REPORT.—If”; and

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

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

12           (g) LAND NOT AVAILABLE FOR TRANSFER.—Section  
13 11(g) of the Act of December 22, 1974 (25 U.S.C. 640d-  
14 10(g)), is amended by striking “(g) No” and inserting the  
15 following:

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

17           (h) ADMINISTRATION OF LAND TRANSFERRED OR  
18 ACQUIRED.—Section 11(h) of the Act of December 22,  
19 1974 (25 U.S.C. 640d-10(h)), is amended—

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

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

24           “(1) IN GENERAL.—The land”; and

25           (2) by adding at the end the following:

1           “(2) RELOCATION.—

2                   “(A) IN GENERAL.—In order to facilitate  
3 relocation of a member of a Tribe, the Commis-  
4 sioner may grant a homesite lease on land ac-  
5 quired under this section to a member of the  
6 extended family of a Navajo Indian who is cer-  
7 tified as eligible to receive benefits under this  
8 Act.

9                   “(B) EXCEPTION.—The Commissioner  
10 may not use any funds available to the Commis-  
11 sioner to carry out this Act to provide housing  
12 to an extended family member described in sub-  
13 paragraph (A).”.

14           (i) NEGOTIATIONS REGARDING LAND EXCHANGES  
15 AND LEASES.—Section 11(i) of the Act of December 22,  
16 1974 (25 U.S.C. 640d–10(i)), is amended—

17                   (1) by striking “(i) The” and inserting the fol-  
18 lowing:

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

21                   (2) by striking “section 23” and inserting “sec-  
22 tion 19”.

1 **SEC. 108. OFFICE OF NAVAJO AND HOPI INDIAN RELOCA-**  
 2 **TION.**

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

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

7 **“SEC. 8. OFFICE OF NAVAJO AND HOPI INDIAN RELOCA-**  
 8 **TION.**

9 “(a) ESTABLISHMENT.—There is”;

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

12 “(b) APPOINTMENT.—The”;

13 (3) in subsection (c)—

14 (A) by striking “(c)(1)(A) Except” and in-  
 15 serting the following:

16 “(c) CONTINUATION OF POWERS.—

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

19 “(A) POWERS AND DUTIES OF COMMIS-  
 20 SIONER.—Except”;

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

23 “(B) EXISTING FUNDS.—All”; and

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

26 “(2) TRANSFER OF POWERS.—There are”;

1 (4) in subsection (d)—

2 (A) by striking “(d)(1) Subject” and in-  
3 serting the following:

4 “(d) POWERS OF COMMISSIONER.—

5 “(1) IN GENERAL.—Subject”;

6 (B) by adjusting the margins of subpara-  
7 graphs (A) and (B) of paragraph (1) appro-  
8 priately;

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

11 “(2) CONTRACTS.—The”; and

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

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

16 (5) in subsection (e)—

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

19 “(e) ADMINISTRATION.—

20 “(1) ADMINISTRATIVE, FISCAL, AND HOUSE-  
21 KEEPING SERVICES.—”;

22 (B) in paragraph (1)—

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

25 “(A) IN GENERAL.—The”; and

1 (ii) in the second sentence, by striking

2 “In any” and inserting the following:

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

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

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

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

10 “(f) TERMINATION.—

11 “(1) IN GENERAL.—The Office of Navajo and  
12 Hopi Indian Relocation shall terminate on Sep-  
13 tember 30, 2008.

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

21 (7) by adding at the end the following:

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

1           “(1) consult with the Commissioner regarding  
2           the transfer of the responsibilities of the Office of  
3           Navajo and Hopi Indian Relocation to the Depart-  
4           ment of the Interior; and

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

8 **SEC. 109. REPORT.**

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

11           (1) by striking “SEC. 13. (a) By no” and in-  
12           serting the following:

13 **“SEC. 9. REPORT.**

14           “(a) IN GENERAL.—Not”; and

15           (2) in subsection (b)—

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

18           “(b) INCLUSIONS.—The”; and

19           (B) by striking “contain, among other  
20           matters, the following:” and inserting “in-  
21           clude—”.

22 **SEC. 110. RELOCATION OF HOUSEHOLDS AND MEMBERS.**

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

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

3 **“SEC. 10. RELOCATION OF HOUSEHOLDS AND MEMBERS.**

4           “(a) AUTHORIZATION.—”;

5           (2) in subsection (a)—

6           (A) in the first sentence—

7           (i) by striking “Consistent” and in-  
8 sserting the following:

9           “(1) IN GENERAL.—Consistent”;

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

12           (iii) by inserting “(as in effect on the  
13 day before the date of enactment of the  
14 Navajo-Hopi Land Settlement Amend-  
15 ments of 2005)” after “section 3 or 4”;  
16 and

17           (iv) by inserting “, or, after Sep-  
18 tember 30, 2008, the Attorney General,”  
19 after “the Commissioner”;

20           (B) by striking the second sentence;

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

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

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

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

2           and

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

5           “(4) GRAZING.—No individual”;

6           (3) in subsection (b)—

7                   (A) by striking “(b) In addition” and in-  
8           serting the following:

9           “(b) ADDITIONAL PAYMENTS TO HEADS OF HOUSE-  
10   HOLDS.—In addition”;

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

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

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

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

19           (5) by adding at the end the following:

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

1 **SEC. 111. RELOCATION HOUSING.**

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

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

6 **“SEC. 11. RELOCATION HOUSING.**

7 “(a) PURCHASE OF HABITATION AND IMPROVE-  
8 MENTS.—”;

9 (2) in subsection (a)—

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

12 “(1) IN GENERAL.—The Commission”; and

13 (B) in the second sentence—

14 (i) by striking “The purchase” and in-  
15 sserting the following:

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

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

19 (3) in subsection (b)—

20 (A) by striking “(b) In addition” and in-  
21 sserting the following:

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

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

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

3 (4) in subsection (c)—

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

6 “(c) STANDARDS; CERTAIN PAYMENTS.—

7 “(1) STANDARDS.—In carrying out”; and

8 (B) in the second sentence—

9 (i) by striking “No payment” and in-  
10 sserting the following:

11 “(2) CERTAIN PAYMENTS.—No payment”; and

12 (ii) by inserting “(as in effect on the  
13 day before the date of enactment of the  
14 Navajo-Hopi Land Settlement Amend-  
15 ments of 2005)” after “section 8 or section  
16 3 or 4”;

17 (5) in subsection (d)—

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

20 “(d) METHODS OF PAYMENT.—The”;

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

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

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

3 “(2) PURCHASED AND CONSTRUCTED DWELL-  
4 INGS.—Should”; and

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

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

9 (6) in subsection (e)—

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

12 “(e) DISPOSAL OF ACQUIRED DWELLINGS AND IM-  
13 PROVEMENTS.—The”;

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

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

20 (7) in subsection (f), by striking “(f) Notwith-  
21 standing” and inserting the following:

22 “(f) PREFERENTIAL TREATMENT.—Notwith-  
23 standing”;

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

1 “(g) BENEFITS.—

2 “(1) IN GENERAL.—Not later than September  
3 30, 2008, the Commissioner shall notify the Sec-  
4 retary and each Tribe of the identity of any head of  
5 household member of the Tribe that, as of that  
6 date—

7 “(A) is certified as eligible to receive bene-  
8 fits under this Act;

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

11 “(C) has not received a replacement home.

12 “(2) TRANSFER OF FUNDS.—Not later than  
13 September 30, 2008, and except as provided in para-  
14 graph (4), the Commissioner shall—

15 “(A) transfer to the Secretary any funds  
16 not used by the Commissioner to make pay-  
17 ments under this Act to eligible heads of house-  
18 holds; and

19 “(B) provide a notice to each Tribe regard-  
20 ing the amount of the funds transferred under  
21 subparagraph (B).

22 “(3) DISPOSITION OF TRANSFERRED FUNDS.—

23 “(A) IN GENERAL.—The Secretary shall  
24 hold any funds transferred under paragraph (2)  
25 for the heads of households described in para-

1 graph (1)(A) until the date on which a request  
2 for the funds, or a portion of the funds, is sub-  
3 mitted to the Secretary by—

4 “(i) an eligible head of household; or

5 “(ii) the Tribe, acting with the con-  
6 sent of such a head of household.

7 “(B) PAYMENT AMOUNTS.—Of the funds  
8 held under subparagraph (A), the Secretary  
9 shall make payments to the Tribe or heads of  
10 households described in paragraph (1)(A) in  
11 amounts that would have been made to the  
12 heads of households under this Act before Sep-  
13 tember 30, 2008—

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

17 “(ii) on the date of death of the head  
18 of household, if the head of household does  
19 not make a request under clause (i), in ac-  
20 cordance with subparagraph (C).

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

1 death of the head of household, the Secretary  
2 shall—

3 “(i) identify and notify any heir of the  
4 head of household, in accordance with ap-  
5 plicable law; and

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

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

11 “(II) if the heir is younger than  
12 18 years old on the date on which the  
13 Secretary identified the heir, on the  
14 date on which the heir attains the age  
15 of 18.

16 “(D) CLAIMS OF COMPETING HEIRS.—Any  
17 claim to a distribution under subparagraph (C)  
18 that is disputed by any competing heir of a  
19 head of household shall be determined during  
20 the probate process in accordance with applica-  
21 ble law.

22 “(4) DISPUTED ELIGIBILITY CLAIMS.—

23 “(A) TRANSFER OF FUNDS.—Not later  
24 than September 30, 2008, the Commissioner  
25 shall transfer to the Secretary an appropriate

1 percentage, as determined by the Commissioner,  
2 of the funds not used by the Commissioner to  
3 make payments under this Act to eligible heads  
4 of households.

5 “(B) DISPOSITION OF TRANSFERRED  
6 FUNDS.—

7 “(i) IN GENERAL.—The Secretary  
8 shall hold any funds transferred under  
9 subparagraph (A) for any individual the  
10 status of whom under this Act is the sub-  
11 ject of a dispute with the Commissioner.

12 “(ii) DISTRIBUTIONS TO HEADS OF  
13 HOUSEHOLDS.—If an individual described  
14 in clause (i) is identified by the Commis-  
15 sioner as a head of household described in  
16 paragraph (1), the Secretary shall dis-  
17 tribute funds transferred under subpara-  
18 graph (A) to the individual in accordance  
19 with paragraph (3).

20 “(h) NOTIFICATION.—

21 “(1) IN GENERAL.—To the extent not already  
22 provided, not later than 180 days after the date of  
23 enactment of the Navajo-Hopi Land Settlement  
24 Amendments of 2005, the Commissioner shall notify  
25 each eligible head of household who has not entered

1 into a lease with the Hopi Tribe to reside on land  
2 partitioned to the Hopi Tribe, in accordance with  
3 section 700.138 of title 25, Code of Federal Regula-  
4 tions (or a successor regulation).

5 “(2) LIST.—On the date on which a notice pe-  
6 riod referred to in section 700.139 of title 25, Code  
7 of Federal Regulations (or a successor regulation),  
8 expires, the Commissioner shall submit to the Sec-  
9 retary and the United States Attorney for the Dis-  
10 trict of Arizona a list containing the name and ad-  
11 dress of each eligible head of household who—

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

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

17 “(3) CONSTRUCTION OF REPLACEMENT  
18 HOMES.—Before July 1, 2008, but not later than 90  
19 days after receiving a notice of the imminent re-  
20 moval of a relocatee from land provided to the Nav-  
21 ajo Tribe or the Hopi Tribe under this Act, the  
22 Commissioner shall—

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

1           “(B) on a determination under subpara-  
 2           graph (A) that the relocatee is eligible for  
 3           relocation—

4                   “(i) begin construction of a replace-  
 5                   ment home on any land acquired under  
 6                   section 6; or

7                   “(ii) establish a fund for the benefit  
 8                   of the relocatee, to be administered in ac-  
 9                   cordance with this section.

10          “(i) APPEALS.—

11               “(1) IN GENERAL.—The Commissioner shall es-  
 12               tablish an expedited hearing procedure for any ap-  
 13               peal relating to the denial of eligibility for benefits  
 14               under this Act (including regulations promulgated  
 15               pursuant to this Act) that is pending on, or filed  
 16               after, the date of enactment of Navajo-Hopi Land  
 17               Settlement Amendments of 2005.

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

20                   “(A) provide for a hearing before an im-  
 21                   partial third party, as the Commissioner deter-  
 22                   mines necessary; and

23                   “(B) ensure that a final determination is  
 24                   made by the Office of Navajo and Hopi Indian

1           Relocation for each appeal described in para-  
2           graph (1) by not later than January 1, 2008.

3           “(j) PROCUREMENT OF SERVICES.—

4           “(1) IN GENERAL.—Notwithstanding any other  
5           provision of this Act, to ensure the full and fair eval-  
6           uation of an appeal hearing before an impartial  
7           third party referred to in subsection (i)(2)(A), the  
8           Commissioner may enter into such contracts or  
9           agreements to procure such services, and employ  
10          such personnel (including attorneys), as the Com-  
11          missioner determines to be necessary.

12          “(2) DETAIL OF ADMINISTRATIVE LAW JUDGES  
13          OR HEARING OFFICERS.—The Commissioner may re-  
14          quest the Secretary to act through the Director of  
15          the Office of Hearings and Appeals to make avail-  
16          able to the Office of Navajo and Hopi Indian Relo-  
17          cation an administrative law judge or other hearing  
18          officer with appropriate qualifications, as determined  
19          by the Commissioner.

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

22          “(1) IN GENERAL.—Subject to paragraph (3),  
23          any individual who, under the procedures established  
24          by the Commissioner pursuant to this section, is de-  
25          termined not to be eligible to receive benefits under

1 this Act may appeal that determination to the  
2 United States Circuit Court of Appeals for the  
3 Ninth Circuit (referred to in this subsection as the  
4 ‘Circuit Court’).

5 “(2) REVIEW.—

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

9 “(i) review the entire record (as cer-  
10 tified to the Circuit Court under paragraph  
11 (3)) on which a determination of the ineli-  
12 gibility of the appellant to receive benefits  
13 under this Act was based; and

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

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

20 “(3) NOTICE OF APPEAL.—

21 “(A) IN GENERAL.—To the extent not al-  
22 ready provided by this Act or other applicable  
23 Federal law, not later than 30 days after a de-  
24 termination of ineligibility under paragraph (1),

1 an affected individual shall file a notice of ap-  
2 peal with—

3 “(i) the Circuit Court; and

4 “(ii) the Commissioner.

5 “(B) CERTIFICATION OF RECORD.—On re-  
6 ceipt of a notice under subparagraph (A)(ii),  
7 the Commissioner shall submit to the Circuit  
8 Court the certified record on which the deter-  
9 mination that is the subject of the appeal was  
10 made.

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

16 “(D) BINDING DECISION.—A decision  
17 made by the Circuit Court under this sub-  
18 section shall be final and binding on all par-  
19 ties.”.

20 **SEC. 112. PAYMENT FOR USE OF LAND.**

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

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

1 **“SEC. 12. PAYMENT FOR USE OF LAND.**

2 “(a) IN GENERAL.—The Navajo”;

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

7 (3) in subsection (b)—

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

10 “(b) PAYMENT.—The”; and

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

15 **SEC. 113. EFFECT OF ACT.**

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

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

20 **“SEC. 13. EFFECT OF ACT.**

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

22 (2) in subsection (a)—

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

25 “(1) IN GENERAL.—Nothing”; and

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

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

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

7 “(b) FEDERAL EMPLOYEES.—Nothing”.

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

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

13 (1) by striking “SEC. 18. (a) Either” and in-  
14 serting the following:

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

18 “(a) ACTIONS BY TRIBES.—Either”;

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

23 (3) in subsection (b)—

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

1 “(b) DEFENSES.—Neither”; and

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

6 (4) in subsection (c)—

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

9 “(c) FURTHER ORIGINAL, ANCILLARY, OR SUPPLE-  
10 MENTARY ACTS TO ENSURE QUIET ENJOYMENT.—

11 “(1) IN GENERAL.—Either”; and

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

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

16 (5) in subsection (d)—

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

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

21 “(1) IN GENERAL.—Except”; and

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

1           “(2) EFFECT OF JUDGMENTS.—Any judg-  
2           ment”;

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

5           “(e) REMEDIES.—All”.

6   **SEC. 115. JOINT USE.**

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

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

11   **“SEC. 15. JOINT USE.**

12          “(a) REDUCTION OF LIVESTOCK.—

13           “(1) IN GENERAL.—Notwithstanding”;

14           (2) in subsection (a)(1) (as designated by para-  
15          graph (1))—

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

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

23           “(2) CONSERVATION PRACTICES AND METH-  
24          ODS.—The Secretary shall”;

25           (3) in subsection (b)—

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

3 “(b) SURVEY LOCATION OF MONUMENTS AND FENC-  
4 ING OF BOUNDARIES.—The”; and

5 (B) by inserting “(as in effect on the day  
6 before the date of enactment of the Navajo-  
7 Hopi Land Settlement Amendments of 2005)”  
8 after “sections 8 and 3 or 4” each place it ap-  
9 pears; and

10 (4) in subsection (c)—

11 (A) by striking “(c)(1) Surveying” and in-  
12 serting the following:

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

15 “(1) SURVEYING, MONUMENTING, AND FENC-  
16 ING.—Surveying”;

17 (B) in paragraph (1)—

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

23 (ii) by striking “section 8” and insert-  
24 ing “section 4”; and

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

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

4 **SEC. 116. RELIGIOUS CEREMONIES; PIPING OF WATER.**

5 Section 20 of the Act of December 22, 1974 (25  
6 U.S.C. 640d–19), is amended by striking “SEC. 20. The  
7 members” and inserting the following:

8 **“SEC. 16. RELIGIOUS CEREMONIAL USES; PIPING OF  
9 WATER.**

10 “The members”.

11 **SEC. 117. ACCESS TO RELIGIOUS SHRINES.**

12 Section 21 of the Act of December 22, 1974 (25  
13 U.S.C. 640d–20), is amended by striking “SEC. 21. Not-  
14 withstanding” and inserting the following:

15 **“SEC. 17. ACCESS TO RELIGIOUS SHRINES.**

16 “Notwithstanding”.

17 **SEC. 118. EXCLUSION OF PAYMENTS FROM CERTAIN FED-  
18 ERAL DETERMINATIONS OF INCOME.**

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

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

23 **“SEC. 18. EXCLUSION OF PAYMENTS FROM CERTAIN FED-  
24 ERAL DETERMINATIONS OF INCOME.**

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

1           (2) by striking “None of the funds” and insert-  
2           ing the following:

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

5   **SEC. 119. AUTHORIZATION OF EXCHANGE.**

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

8           (1) by striking “SEC. 23. The Navajo” and in-  
9           serting the following:

10 **“SEC. 19. AUTHORIZATION OF EXCHANGE.**

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

12           (2) in the second sentence—

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

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

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

18 **SEC. 120. SEVERABILITY.**

19           Section 24 of the Act of December 22, 1974 (25  
20   U.S.C. 640d–23), is amended by striking “SEC. 24. If”  
21   and inserting the following:

22 **“SEC. 20. SEVERABILITY.**

23           “If”.

1 **SEC. 121. AUTHORIZATION OF APPROPRIATIONS.**

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

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

6 (2) amended to read as follows:

7 **“SEC. 26. AUTHORIZATION OF APPROPRIATIONS.**

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

11 **SEC. 122. DISCRETIONARY FUND.**

12 Section 27 of the Act of December 22, 1974 (25  
13 U.S.C. 640d-25), is amended by striking “SEC. 27.” and  
14 all that follows through “(c) The Secretary” and inserting  
15 the following:

16 **“SEC. 21. DISCRETIONARY FUND.**

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

20 “(1) \$6,000,000 for the period of fiscal years  
21 2006 through 2008; and

22 “(2) such sums as are necessary for each subse-  
23 quent fiscal year.

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

1 **SEC. 123. ATTORNEY FEES AND COURT COSTS.**

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

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

6 **“SEC. 22. ATTORNEY FEES AND COURT COSTS.**

7 **“(a) IN GENERAL.—”**;

8 (2) in subsection (a)—

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

11 **“(1) IN GENERAL.—In any”**; and

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

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

16 (3) in subsection (b)—

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

19 **“(b) AWARD BY COURT.—**

20 **“(1) IN GENERAL.—On”**; and

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

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

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

1 “(c) EXCESS DIFFERENCE.—To”; and

2 (5) in subsection (d)—

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

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

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

8 **SEC. 124. LOBBYING.**

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

11 (1) by striking “SEC. 31. (a) Except” and in-  
12 serting the following:

13 **“SEC. 23. LOBBYING.**

14 “(a) IN GENERAL.—Except”; and

15 (2) in subsection (b), by striking “(b) Sub-  
16 section” and inserting the following:

17 “(b) APPLICABILITY.—Subsection”.

18 **SEC. 125. NAVAJO REHABILITATION TRUST FUND.**

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

22 (1) by striking “SEC. 32. (a) There” and in-  
23 serting the following:

24 **“SEC. 24. NAVAJO REHABILITATION TRUST FUND.**

25 “(a) ESTABLISHMENT.—There”;

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

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

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

6           “(c) INVESTMENT OF FUNDS.—The”;

7           (4) in subsection (d)—

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

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

11                 (B) in paragraph (1), by striking “pro-  
12 ceedings,” and inserting “proceedings;” and

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

15           (5) in subsection (e)—

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

18           “(e) EXPENDITURE OF FUNDS.—

19                 “(1) IN GENERAL.—Not later than December  
20 1”; and

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

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

1 (6) in subsection (f)—

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

4 “(f) TERMINATION.—

5 “(1) IN GENERAL.—The”; and

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

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

10 (7) by striking subsection (g).

11 **SEC. 126. AVAILABILITY OF FUNDS FOR RELOCATION AS-**  
12 **SISTANCE.**

13 The second section designated as section 32 of the  
14 Act of December 22, 1974 (25 U.S.C. 640–31), is amend-  
15 ed by striking “SEC. 32. Nothing” and inserting the fol-  
16 lowing:

17 **“SEC. 25. AVAILABILITY OF FUNDS FOR RELOCATION AS-**  
18 **SISTANCE.”.**

19 “Nothing”.

20 **TITLE II—TRANSFER OF FUNC-**  
21 **TIONS AND SAVINGS PROVI-**  
22 **SIONS**

23 **SEC. 201. DEFINITIONS.**

24 In this title:

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

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

9           (3) OFFICE.—The term “Office” means the Of-  
10          fice of Navajo and Hopi Relocation (including any  
11          component of that office).

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

14 **SEC. 202. TRANSFER OF FUNCTIONS.**

15          (a) IN GENERAL.—Effective beginning on September  
16          30, 2008, there is transferred to the Secretary any func-  
17          tion of the Office that has not been carried out by the  
18          Office in accordance with the Act of December 22, 1974  
19          (25 U.S.C. 640 et seq.) (as amended by title I).

20          (b) MEMORANDUM OF AGREEMENT.—Not later than  
21          September 29, 2008, the Secretary, in consultation with  
22          the Director of the Office of Management and Budget,  
23          may enter into a memorandum of agreement with the Of-  
24          fice, as the Secretary determines to be appropriate to fa-  
25          cilitate the transfer under subsection (a).

1 **SEC. 203. PERSONNEL PROVISIONS.**

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

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

8 (1) any officer or employee described in sub-  
9 section (a) shall be appointed in accordance with the  
10 civil service laws; and

11 (2) the compensation of such an officer or em-  
12 ployee shall be fixed in accordance with title 5,  
13 United States Code.

14 **SEC. 204. DELEGATION AND ASSIGNMENT.**

15 (a) IN GENERAL.—Except where otherwise expressly  
16 prohibited by law or otherwise provided by this title, the  
17 Secretary may delegate any of the functions transferred  
18 to the Secretary by this title and any function transferred  
19 or granted to the Secretary after the effective date of this  
20 title to such officers and employees of the Department of  
21 the Interior as the Secretary may designate, and may au-  
22 thorize successive redelegations of such functions as may  
23 be necessary or appropriate.

24 (b) DELEGATION.—No delegation of functions by the  
25 Secretary under this section or under any other provision

1 of this title shall relieve the Secretary of responsibility for  
2 the administration of the functions.

3 **SEC. 205. REORGANIZATION.**

4 The Secretary is authorized to allocate or reallocate  
5 any function transferred under section 202 among the of-  
6 ficers of the Department of the Interior, and to establish,  
7 consolidate, alter, or discontinue such organizational enti-  
8 ties in the Department of the Interior as the Secretary  
9 determines to be necessary or appropriate.

10 **SEC. 206. RULES.**

11 The Secretary is authorized to prescribe, in accord-  
12 ance with the provisions of chapters 5 and 6 of title 5,  
13 United States Code, such rules and regulations as the Sec-  
14 retary determines to be necessary or appropriate to admin-  
15 ister and manage the functions of the Department of the  
16 Interior.

17 **SEC. 207. TRANSFER AND ALLOCATIONS OF APPROPRIA-**  
18 **TIONS AND PERSONNEL.**

19 (a) IN GENERAL.—Except as otherwise provided in  
20 this title, the personnel employed in connection with, and  
21 the assets, liabilities, contracts, property, records, and un-  
22 expended balances of appropriations, authorizations, allo-  
23 cations, and other funds employed, used, held, arising  
24 from, available to, or to be made available in connection  
25 with the functions transferred by this title, subject to sec-

1 tion 1531 of title 31, United States Code, shall be trans-  
2 ferred to the Department of the Interior in accordance  
3 with section 3503 of title 5, United States Code.

4 (b) UNEXPENDED FUNDS.—Unexpended funds  
5 transferred pursuant to this section shall be used only for  
6 the purposes for which the funds were originally author-  
7 ized and appropriated.

8 **SEC. 208. INCIDENTAL TRANSFERS.**

9 The Secretary is authorized to make such determina-  
10 tions as may be necessary to accept the functions trans-  
11 ferred by this title, and to make such additional incidental  
12 dispositions of personnel, assets, liabilities, grants, con-  
13 tracts, property, records, and unexpended balances of ap-  
14 propriations, authorizations, allocations, and other funds  
15 held, used, arising from, available to, or to be made avail-  
16 able in connection with such functions, as may be nec-  
17 essary to carry out the provisions of this title.

18 **SEC. 209. EFFECT ON PERSONNEL.**

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

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

13       (c) TERMINATION OF CERTAIN POSITIONS.—Posi-  
14 tions whose incumbents are appointed by the President,  
15 by and with the advice and consent of the Senate, the  
16 functions of which are transferred by this title, shall termi-  
17 nate on the effective date of this title.

18 **SEC. 210. SEPARABILITY.**

19       If a provision of this title or the application of this  
20 title to any person or circumstance is held invalid, neither  
21 the remainder of this title nor the application of the provi-  
22 sion to other persons or circumstances shall be affected.

23 **SEC. 211. TRANSITION.**

24       The Secretary is authorized to use—

1           (1) the services of such officers, employees, and  
2           other personnel of the Office with respect to func-  
3           tions transferred to the Department of the Interior  
4           by this title; and

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

8 **SEC. 212. REPORTS.**

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

13                 (1) the status of the Office;

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

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

21                 (4) the status of the grazing management pro-  
22          gram on the area commonly known as the “New  
23          Lands” of the Navajo Tribe; and

24                 (5) the needs of the Navajo and Hopi Indian  
25          tribes to address the affect of relocation activity, if

1 any, including a financial estimate relating to the  
2 needs.

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

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
9 are authorized to be appropriated such sums as are nec-  
10 essary to carry out this section for each of fiscal years  
11 2007 through 2009.

12 **SEC. 213. REFERENCES.**

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

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

19 (2) the Office, with respect to functions trans-  
20 ferred under this title, shall be deemed to be a ref-  
21 erence to the Department of the Interior.

22 **SEC. 214. ADDITIONAL CONFORMING AMENDMENT.**

23 Section 5315 of title 5, United States Code, is  
24 amended by striking the item relating to the Commis-  
25 sioner of the Office.

1 **SEC. 215. EFFECT OF TITLE.**

2 (a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—

3 Any legal document relating to a function transferred by  
4 this title that is in effect on the effective date of this title  
5 shall continue in effect in accordance with the terms of  
6 the document until the document is modified or termi-  
7 nated by—

8 (1) the President;

9 (2) the Secretary;

10 (3) a court of competent jurisdiction; or

11 (4) operation of Federal or State law.

12 (b) PROCEEDINGS NOT AFFECTED.—This title shall  
13 not affect any proceeding (including a notice of proposed  
14 rulemaking, an administrative proceeding, and an applica-  
15 tion for a license, permit, certificate, or financial assist-  
16 ance) relating to a function transferred under this title  
17 that is pending before the Office of Navajo and Hopi Relo-  
18 cation on the effective date of this title.

19 **SEC. 216. EFFECTIVE DATE.**

20 This title takes effect beginning September 30, 2008.

21 **TITLE III—PERSONNEL OF THE**  
22 **OFFICE OF NAVAJO AND HOPI**  
23 **RELOCATION**

24 **SEC. 301. SEPARATION PAY.**

25 The Office of Navajo and Hopi Relocation (referred  
26 to in this title as the “Office”) may request funding for,

1 and offer to any employee of the Office, voluntary separa-  
2 tion incentive payments in accordance with subchapter II  
3 of chapter 35 of title 5, United States Code.

4 **SEC. 302. FEDERAL RETIREMENT.**

5 The Office may request funding for, and offer to any  
6 employee of the Office, voluntary early retirement in ac-  
7 cordance with sections 8336(d)(2) and 8414(b)(1) of title  
8 5, United States Code.

Passed the Senate May 2, 2006.

Attest:

*Secretary.*

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1003**

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**AN ACT**

To amend the Act of December 22, 1974, and for  
other purposes.