

117TH CONGRESS
1ST SESSION

H. R. 6141

To make technical amendments to Public Law 93–531 relating to lands of the Navajo Nation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 3, 2021

Mr. O’HALLERAN introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To make technical amendments to Public Law 93–531 relating to lands of the Navajo Nation, 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. RELOCATION REQUIREMENTS AND STUDY ON**
4 **IMPACTS OF RELOCATION AND DEVELOP-**
5 **MENT FREEZES.**

6 Section 13 of the Navajo-Hopi Settlement Act of
7 1974 (Public Law 93–531) is amended by adding at the
8 end the following:

9 “(c) RELOCATION REQUIREMENTS.—Relocation
10 under this Act shall—

1 “(1) take into account the adverse social, eco-
2 nomic, cultural, and other impacts of relocation on
3 persons involved in such relocation and be developed
4 to avoid or minimize, to the extent possible, such im-
5 pacts;

6 “(2) assure that housing and related commu-
7 nity facilities and services, such as water, sewers,
8 roads, schools, and health facilities, for relocatees
9 shall be available at their relocation sites; and

10 “(3) comply with the relocation plan that was
11 submitted to Congress under this Act and took ef-
12 fect on July 7, 1986.

13 “(d) STUDY.—The Secretary of the Interior shall
14 conduct a comprehensive study to address the negative so-
15 cial, economic, cultural, and other impacts related to the
16 Navajo-Hopi Indian Relocation and Federal development
17 freezes (commonly known as the Bennett Freeze). In con-
18 ducting the study, the Secretary shall—

19 “(1) not later than 6 months after the date of
20 the enactment of this subsection, consult with the
21 Navajo Nation, the Hopi Tribe, and impacted mem-
22 bers of the Navajo Nation and Hopi Tribe, including
23 descendants of relocatees;

24 “(2) review prior plans and update such plans
25 with a multi-agency approach to ensure the United

1 States obligations to ‘assure that housing and re-
2 lated community facilities and services, such as
3 water, sewers, roads, schools, and health facilities,
4 for such household shall be available at their reloca-
5 tion sites’ are fulfilled, including an estimated cost
6 and time frame;

7 “(3) identify impacts to surrounding commu-
8 nities and towns;

9 “(4) address the impacts of development freezes
10 in the former Bennett Freeze area; and

11 “(5) identify costs to remediate impacted areas.

12 “(e) REPORT.—Not later than 180 days after the
13 date of the enactment of this subsection, the Secretary
14 shall submit to Congress a report on the study required
15 under subsection (d).

16 “(f) PLAN.—On the basis of the report submitted to
17 the Congress under subsection (d), the Commissioner on
18 Navajo and Hopi Relocation shall develop and implement
19 a plan to provide—

20 “(1) job training for individuals and their de-
21 scendants involved in the relocations carried out
22 under this Act, as well as individuals and their de-
23 scendants subject to development freezes;

1 “(1) To relinquish the Accommodation Agree-
2 ment, if the head of household or successor thereto,
3 notifies the Office of Navajo and Hopi Indian Relo-
4 cation of that relinquishment not more than five
5 years after the effective date of this section.

6 “(2) After a relinquishment under paragraph
7 (1), to receive the full relocation benefits to which
8 the Navajo head of household would otherwise have
9 been entitled had the head of household not signed
10 the Accommodation Agreement, including relocation
11 housing, counseling, and other services. In the event
12 that the Navajo head of household is no longer the
13 head of household, the successor thereto shall be en-
14 titled to receive the full relocation benefits.

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

20 **SEC. 3. RESTORATION OF LAND SELECTION AUTHORITY TO**
21 **THE NAVAJO NATION.**

22 Section 11(c) of Public Law 93-531 is amended—
23 (1) by striking “, for a period of three years
24 after July 8, 1980,”; and

1 (2) by striking “, at the end of such period”
2 and all that follows through “Provided further,
3 That”.

4 **SEC. 4. EXPANSION OF BENEFICIARIES OF LAND SELEC-**
5 **TIONS.**

6 Section 11 of Public Law 93–531 is further amend-
7 ed—

8 (1) in subsection (h), by inserting “and for
9 Navajo families and Navajo communities that meet
10 the beneficiary requirements of section 32(d) of this
11 subchapter (section 32 of Public Law 93–531, as
12 added by section 7 of Public Law 100–666; 102
13 Stat. 3932 (1988))” after “solely for the benefit of
14 Navajo families residing on Hopi-Partitioned lands
15 as of December 22, 1974”; and

16 (2) in subsection (f), by adding at the end the
17 following: “At the request of the Navajo Tribe, and
18 where the consent of the owner of the subsurface in-
19 terest is obtained, the Secretary shall acquire fee
20 title to both surface and subsurface.”.

21 **SEC. 5. SELECTION OF LANDS TO CORRECT SURVEYING**
22 **ERROR.**

23 Section 11 of the Public Law 93–531 is further
24 amended by adding at the end the following:

1 “(j) The Navajo Tribe may select an additional 757
2 acres of the land to compensate the Navajo Tribe for a
3 surveying error. Any lands selected under this sub-
4 section—

5 “(1) shall be subject to the same restrictions as
6 lands originally selected under this section;

7 “(2) shall be at no cost to the Navajo Tribe;
8 and

9 “(3) may be placed into restricted fee status at
10 the direction of the Navajo Tribe if the lands have
11 not already been placed into trust status.”.

12 **SEC. 6. EXPANSION OF OFFICE OF NAVAJO AND HOPI IN-**
13 **DIAN RELOCATION AUTHORITY.**

14 Section 12 of Public Law 93–531 is amended by add-
15 ing at the end the following:

16 “(g) BENNETT FREEZE REHABILITATION PRO-
17 GRAM.—

18 “(1) IN GENERAL.—The Commissioner is au-
19 thorized to carry out a rehabilitation program to re-
20 dress the effects of Federal development restrictions
21 (commonly referred to as the ‘Bennett Freeze’) in
22 the western portion of the Navajo Reservation. This
23 program shall include, at a minimum, housing con-
24 struction and renovation, infrastructure improve-
25 ments, and economic development initiatives.

1 “(2) FUNDING.—There are authorized to be ap-
2 propriated such sums as may be necessary to carry
3 out the program described in this subsection.

4 “(h) REQUEST BY TRIBE; AUTHORIZED PRO-
5 GRAMS.—

6 “(1) SELF-DETERMINATION CONTRACTS.—
7 Upon the request of the Navajo Tribe or the Hopi
8 Tribe by tribal resolution, the Commissioner shall
9 enter into a self-determination contract or contracts
10 with the requesting Indian tribe to plan, conduct,
11 and administer programs, functions, services, or ac-
12 tivities (or a portion thereof), including construction
13 programs administered by the Commissioner that
14 pertain directly to the requesting Indian tribe. Pro-
15 grams, functions, services, or activities contracted
16 under this subsection shall include administrative
17 functions of the Office of Navajo and Hopi Indian
18 Relocation that support the delivery of services to
19 Indians, including those administrative activities
20 supportive of, but not included as part of, the service
21 delivery programs described in this subsection that
22 are otherwise contractable. Such administrative
23 functions shall be contractable without regard to the
24 organizational level within the Office of Navajo and

1 Hopi Indian Relocation that carries out such func-
2 tions.

3 “(2) REGULATIONS.—The Commissioner shall
4 issue regulations implementing paragraph (1) that,
5 to the maximum extent feasible—

6 “(A) are consistent with the requirements
7 of the Indian Self-Determination and Education
8 Assistance Act (Public Law 93–638); and

9 “(B) reflect the independent agency status
10 of the Office of Navajo and Hopi Indian Relo-
11 cation.”.

12 **SEC. 7. NAVAJO REHABILITATION TRUST FUND.**

13 Section 32 of Public Law 93–531 is amended—

14 (1) in subsection (b)—

15 (A) by striking “net income” and inserting
16 “income”; and

17 (B) by striking “located in New Mexico”;

18 (2) by amending subsection (d) to read as fol-
19 lows:

20 “(d) Funds in the Navajo Rehabilitation Trust Fund,
21 including any interest or investment accruing thereon,
22 shall be available to the Navajo Tribe, with the approval
23 of the Secretary, solely for the following:

24 “(1) Purposes that will contribute to the con-
25 tinuing rehabilitation and improvement of the eco-

1 nomic, educational, and social condition of families,
2 and Navajo communities, that have been affected
3 by—

4 “(A) the decision in the Healing case, or
5 related proceedings;

6 “(B) the provision of this Act; or

7 “(C) the establishment by the Secretary of
8 the Interior of grazing district number 6 as
9 land for the exclusive use of the Hopi Tribe.

10 “(2) At the discretion of the Navajo Tribe,
11 for—

12 “(A) development or rehabilitation of the
13 Former Bennett Freeze area; or

14 “(B) development in the Navajo Sov-
15 ereignty Empowerment Zones established pur-
16 suant to this Act.”;

17 (3) in subsection (f), by striking “and the
18 United States has been reimbursed” through “of
19 this section.” and inserting a period; and

20 (4) in subsection (g)—

21 (A) in the first sentence, by striking
22 “1990, 1991, 1992, 1993, 1994 and 1995” and
23 all that follows through the final period and in-
24 serting “2022 through 2026”; and

25 (B) by striking the second sentence.

1 **SEC. 8. FORMER BENNETT FREEZE AREA REHABILITATION**
2 **TRUST FUND.**

3 (a) ESTABLISHMENT.—There is hereby established in
4 the Treasury of the United States a trust fund to be
5 known as the “Former Bennett Freeze Area Rehabilita-
6 tion Trust Fund” which shall consist of the funds appro-
7 priated pursuant to subsection (e) and any interest or in-
8 vestment income accrued on such funds.

9 (b) SECRETARY AS TRUSTEE; INVESTMENT OF
10 FUNDS.—The Secretary of the Interior shall—

11 (1) be the trustee of the Former Bennett
12 Freeze Area Rehabilitation Trust Fund;

13 (2) be responsible for investment of the
14 amounts in such trust fund; and

15 (3) upon receipt and approval of a plan for the
16 use of those amounts consistent with subsection (c),
17 transfer those amounts to the Navajo Nation, or its
18 designee, as trustee.

19 (c) AVAILABILITY OF FUNDS; PURPOSES.—Amounts
20 in the Former Bennett Freeze Area Rehabilitation Trust
21 Fund, including any interest or investment accruing there-
22 on, shall be available to the Navajo Nation solely for pur-
23 poses that will contribute to the continuing rehabilitation
24 and improvement of the economic, housing, infrastructure,
25 health, educational, and social condition of families and

1 Navajo communities that have been affected by the former
2 Bennett Freeze.

3 (d) **TERMINATION OF TRUST FUND.**—The Former
4 Bennett Freeze Area Rehabilitation Trust Fund shall ter-
5minate when, upon petition by the Navajo Nation, the Sec-
6retary of the Interior determines that the goals of the
7 Trust Fund have been met. All amounts in the Former
8 Bennett Freeze Area Rehabilitation Trust Fund on such
9 date shall be transferred to the Treasury.

10 (e) **AUTHORIZATION OF APPROPRIATIONS.**—There is
11 hereby authorized to be appropriated for the Former Ben-
12 nett Freeze Area Rehabilitation Trust Fund such sums
13 as may be necessary for each of fiscal years 2021 through
14 2035.

15 **SEC. 9. NAVAJO NATION SOVEREIGNTY EMPOWERMENT**
16 **DEMONSTRATION PROJECT.**

17 (a) **NAVAJO SOVEREIGNTY EMPOWERMENT**
18 **ZONES.**—The Navajo Nation may designate not more
19 than 150,000 acres in one or more of the following, which
20 shall be designated as Navajo Sovereignty Empowerment
21 Zones:

22 (1) Lands selected by the Navajo Nation pursu-
23 ant to section 11 of Public Law 93–531.

24 (2) Lands in that portion of the Navajo Res-
25 ervation lying west of the Executive Order Reserva-

1 tion of 1882 and bounded on the north and south
2 by westerly extensions, to the reservation line, of the
3 northern and southern boundaries of said Executive
4 Order Reservation (formerly known as the “Bennett
5 Freeze” area).

6 (3) Lands partitioned to the Navajo Nation
7 pursuant to sections 3 and 4 of Public Law 93–531.

8 (b) APPLICABILITY OF CERTAIN LAWS.—

9 (1) IN GENERAL.—Subject to approval by the
10 appropriate regulatory bodies under Navajo law,
11 such as the Navajo Nation Environmental Protec-
12 tion Agency, the Navajo Nation Historic Preserva-
13 tion Department, and the Navajo Nation Depart-
14 ment of Fish and Wildlife, within the Navajo Sov-
15 ereignty Empowerment Zones, the Navajo Nation
16 may choose to waive any or all of the laws in para-
17 graph (2) with regard to renewable energy develop-
18 ment, housing development, public and community
19 facilities, infrastructure development (including
20 water and wastewater development, roads, trans-
21 mission lines, gas lines, and rights-of-way), and re-
22 lated economic development.

23 (2) LAW ELIGIBLE FOR WAIVER.—The laws re-
24 ferred to in paragraph (1) are the following:

1 (A) The Wilderness Act (16 U.S.C. 1131
2 et seq.).

3 (B) The National Environmental Policy
4 Act of 1969 (42 U.S.C. 4321 et seq.).

5 (C) The Endangered Species Act of 1973
6 (16 U.S.C. 1531 et seq.).

7 (D) The Federal Land Policy and Manage-
8 ment Act of 1976 (43 U.S.C. 1701 et seq.).

9 (E) The National Wildlife Refuge System
10 Administration Act of 1966 (16 U.S.C. 668dd
11 et seq.).

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

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

16 (H) Subchapter II of chapter 5, and chap-
17 ter 7, of title 5, United States Code (commonly
18 known as the “Administrative Procedure Act”).

19 (I) The provisions of title 54, United
20 States Code, derived from the Act of August
21 25, 1916 (commonly known as the “National
22 Park Service Organic Act”), Public Law 86–
23 523, and Public Law 91–383.

1 (J) Sections 401(7), 403, and 404 of the
2 National Parks and Recreation Act of 1978
3 (Public Law 95–625).

4 (K) The Arizona Desert Wilderness Act of
5 1990 (Public Law 101–628).

6 (L) Division A of subtitle III of title 54,
7 United States Code.

8 (3) GRAND CANYON EXCEPTION.—Subsection
9 (a) shall not apply to projects within the rim of the
10 natural formation commonly referred to as the
11 Grand Canyon.

12 (c) TRANSFER OF SAVINGS TO THE NAVAJO NA-
13 TION.—

14 (1) IN GENERAL.—Federal agencies responsible
15 for implementation of the laws listed in subsection
16 (b)(2) shall—

17 (A) consult in good faith with the Navajo
18 Nation regarding and to determine the cost
19 that the Federal agency would have otherwise
20 expended on implementation of the laws or reg-
21 ulations described in subsection (b) in the Nav-
22 ajo Empowerment Zones, and this amount shall
23 not be less than the agency would have other-
24 wise provided for the operation of programs or
25 portions thereof, without regard to any organi-

1 zational level within the agency at which the
2 program, function, service, or activity or portion
3 thereof (including supportive administrative
4 functions and indirect costs that are provided in
5 support of the operation of the program, func-
6 tion, service or activity or portion thereof) is
7 operated; and

8 (B) not later the 90 days after the begin-
9 ning of each applicable fiscal year, transfer to
10 the Navajo Nation the amount of funds identi-
11 fied under subparagraph (A).

12 (2) USE OF FUNDS.—The Navajo Nation shall
13 use all funds that it receives under this subsection
14 to implement Tribal law in the Navajo Sovereignty
15 Empowerment Zones.

16 (3) FINAL AGENCY ACTION.—Federal agency
17 decisions made pursuant to subparagraph (A) of
18 paragraph (1) shall be final agency action for the
19 purposes of appeal to the appropriate Federal dis-
20 trict court pursuant to chapter 7 of title 5, United
21 States Code.

22 (d) CIVIL JURISDICTION.—

23 (1) IN GENERAL.—Notwithstanding any other
24 provision of law, all individuals and entities oper-
25 ating in a Navajo Sovereignty Empowerment Zone

1 shall be subject to the full civil and regulatory juris-
2 diction of the Navajo Nation.

3 (2) FULL FAITH AND CREDIT.—Any judgment
4 issued by the Navajo Nation consistent with this sec-
5 tion shall be accorded full faith and credit by the
6 court of another State, Indian Tribe, or territory
7 and by Federal district courts.

8 (e) TRIBAL SOVEREIGNTY.—Nothing in this section
9 supersedes, replaces, negates, or diminishes—

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

13 (2) the treaties or other agreements between
14 the United States and the Navajo Nation.

15 (f) NAVAJO-HOPI DISPUTE SETTLEMENT ACT.—
16 Nothing in this section waives the provisions of the Nav-
17 ajo-Hopi Dispute Settlement Act of 1996.

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

1 **SEC. 10. TRANSFER OF FUNDS TO THE NAVAJO REHABILI-**
2 **TATION TRUST FUND.**

3 Not later than 90 days after the date of the enact-
4 ment of this Act, not less than \$19,000,000 of the unobli-
5 gated balances of the Office of Navajo and Hopi Indian
6 Relocation shall be transferred by that Office to the Nav-
7 ajo Rehabilitation Trust Fund. Funds transferred under
8 this section shall not be subject to the reimbursement obli-
9 gations of section 32(e) of Public Law 93-531.

○