

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.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 3, 2021

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

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## 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           “(2) economic assistance to households relo-  
 2           cated under this Act and households subject to de-  
 3           velopment freezes; and

4           “(3) water, roads, sewers, community facilities,  
 5           and health facilities to serve the needs of such  
 6           households.

7           “(g) COORDINATION.—The Commissioner on Navajo  
 8           and Hopi Relocation shall identify and coordinate existing  
 9           programs in other Federal departments and agencies to  
 10          assist in implementing the plan developed under sub-  
 11          section (f).”.

12   **SEC. 2. RELINQUISHMENT OF ACCOMMODATION AGREE-**  
 13                           **MENT AND ELIGIBILITY FOR RELOCATION**  
 14                           **BENEFITS.**

15          The Navajo-Hopi Land Dispute Settlement Act of  
 16          1996 (Public Law 104–301) is amended by adding at the  
 17          end the following:

18   **“SEC. 13. RELINQUISHMENT OF ACCOMMODATION AGREE-**  
 19                           **MENTS.**

20          “(a) IN GENERAL.—Notwithstanding any other pro-  
 21          vision of this Act, the Settlement Agreement, or the Ac-  
 22          commodation Agreement, any Navajo head of household,  
 23          or the successor thereto if such person is no longer the  
 24          head of household, who has entered into an Accommoda-  
 25          tion Agreement shall have the following rights:

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-

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

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

(b) APPLICABILITY OF CERTAIN LAWS.—

(1) IN GENERAL.—Subject to approval by the appropriate regulatory bodies under Navajo law, such as the Navajo Nation Environmental Protection Agency, the Navajo Nation Historic Preservation Department, and the Navajo Nation Department of Fish and Wildlife, within the Navajo Sovereignty Empowerment Zones, the Navajo Nation may choose to waive any or all of the laws in paragraph (2) with regard to renewable energy development, housing development, public and community facilities, infrastructure development (including water and wastewater development, roads, transmission lines, gas lines, and rights-of-way), and related economic development.

(2) LAW ELIGIBLE FOR WAIVER.—The laws referred 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.

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