

(f) Termination

The Office of Navajo and Hopi Indian Relocation shall cease to exist when the President determines that its functions have been fully discharged.

(Pub. L. 93-531, §12, Dec. 22, 1974, 88 Stat. 1716; Pub. L. 96-305, §5, July 8, 1980, 94 Stat. 932; Pub. L. 100-666, §4(a), Nov. 16, 1988, 102 Stat. 3929; Pub. L. 100-696, title IV, §406, Nov. 18, 1988, 102 Stat. 4592; Pub. L. 102-180, §3(a)-(c), Dec. 2, 1991, 105 Stat. 1230.)

REFERENCES IN TEXT

Level IV of the Executive Schedule, referred to in subsec. (b)(3), is set out in section 5315 of Title 5, Government Organization and Employees.

The Navajo and Hopi Indian Relocation Amendments of 1988, referred to in subsec. (c)(1)(A), is Pub. L. 100-666, Nov. 16, 1988, 102 Stat. 3929, which enacted sections 640d-29 and 640d-30 of this title, amended sections 640d-7, 640d-9 to 640d-14, 640d-22, 640d-24, 640d-25, and 640d-28 of this title, and enacted provisions set out as a note under sections 640d and 640d-11 of this title. For complete classification of this Act to the Code, see Short Title of 1988 Amendment note set out under section 640d of this title and Tables.

Public Law 99-190, referred to in subsec. (c)(2), is Pub. L. 99-190, Dec. 19, 1985, 99 Stat. 1185. The provisions of Pub. L. 99-190 (99 Stat. 1236) relating to the relocation of members of the Navajo Tribe are not classified to the Code. For complete classification of Pub. L. 99-190 to the Code, see Tables.

AMENDMENTS

1991—Subsec. (b)(2). Pub. L. 102-180, §3(a), inserted at end “The Commissioner serving at the end of a term shall continue to serve until his or her successor has been confirmed in accordance with paragraph (1) of this subsection.”

Subsec. (b)(3). Pub. L. 102-180, §3(b), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “The Commissioner shall be a full time employee of the United States and shall be paid at the rate of GS-18 of the General Schedule under section 5332 of title 5.”

Subsec. (d)(1). Pub. L. 102-180, §3(c), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The Commissioner shall have the power to—

“(A) appoint and fix the compensation of such staff and personnel as he deems necessary, without regard to the provisions of title 5 governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

“(B) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, but at rates not to exceed \$200 a day for individuals.”

1988—Pub. L. 100-666 amended section generally, substituting subssecs. (a) to (f) relating to the Office of Navajo and Hopi Indian Relocation, for former subssecs. (a) to (j) which related to the Navajo and Hopi Relocation Commission.

1980—Subsec. (g)(1). Pub. L. 96-305, §5(1), inserted “an independent legal counsel,” after “an Executive Director.”

Subsec. (h). Pub. L. 96-305, §5(2), substituted provision authorizing Commission to provide for its own administrative, fiscal, and housekeeping services for provision authorizing Department of the Interior, on a nonreimbursable basis, to furnish necessary administrative and housekeeping services for Commission.

Subsecs. (i), (j). Pub. L. 96-305, §5(3), added subsec. (i) and redesignated former subsec. (i) as (j).

SEPARATION OR REDUCTION IN GRADE OR COMPENSATION OF EMPLOYEE

Section 3(d) of Pub. L. 102-180 provided that: “The amendments made by this section [amending this section and section 5315 of Title 5, Government Organization and Employees] shall not cause any employee of the Office of Navajo and Hopi Indian Relocation to be separated or reduced in grade or compensation for 12 months after the date of enactment of this Act [Dec. 2, 1991].”

POSITIONS IN SENIOR EXECUTIVE SERVICE

Section 3(e) of Pub. L. 102-180 provided that: “The position of Executive Director of the Office of Navajo and Hopi Indian Relocation and Deputy Executive Director of such Office shall on and after the date of the enactment of this Act [Dec. 2, 1991], be in the Senior Executive Service.”

EMPLOYEES OF OFFICE AS GOVERNMENT EMPLOYEES

Section 3(f) of Pub. L. 102-180 provided that: “Any employee of the Office of Navajo and Hopi Indian Relocation on the date of the enactment of this Act [Dec. 2, 1991], shall be considered an employee as defined in section 2105 of title 5, United States Code.”

CONTINUATION OF RELOCATION COMMISSION AND RETENTION OF EXISTING COMMISSIONERS PENDING CONFIRMATION OF COMMISSIONER; TRANSFER OF EXISTING PERSONNEL; CHANGE OF NAME

Section 4(c) of Pub. L. 100-666 provided that:

“(1) Notwithstanding any other provisions of law or any amendment made by this Act [see Short Title of 1988 Amendment note under section 640d of this title]—

“(A) the Navajo and Hopi Indian Relocation Commission shall—

“(i) continue to exist until the date on which the first Commissioner is confirmed by the Senate,

“(ii) have the same structure, powers and responsibilities such Commission had before the enactment of this Act [Nov. 16, 1988], and

“(iii) assume responsibility for the powers and duties transferred to such Commissioner under section 12(c)(2) of Public Law 93-531 [25 U.S.C. 640d-11(c)(2)], as amended by this Act, until the Commissioner is confirmed,

“(B) the existing Commissioners shall serve until the new Commissioner is confirmed by the Senate, and

“(C) the existing personnel of the Commission shall be transferred to the new Office of Navajo and Hopi Indian Relocation.

“(2) The Navajo and Hopi Relocation Commission shall become known as the Office of Navajo and Hopi Indian Relocation on the date on which the first Commissioner is confirmed by the Senate.”

§ 640d-12. Report concerning relocation of households and members of each tribe

(a) By no later than the date that is 6 months after the date on which the first Commissioner is confirmed by the Senate, the Commissioner shall prepare and submit to the Congress a report concerning the relocation of households and members thereof of each tribe and their personal property, including livestock, from lands partitioned to the other tribe pursuant to this subchapter.

(b) The report required under subsection (a) of this section shall contain, among other matters, the following:

(1) the names of all members of the Navajo Tribe who reside within the areas partitioned to the Hopi Tribe and the names of all members of the Hopi Tribe who reside within the areas partitioned to the Navajo Tribe;

(2) the names of all other members of the Navajo Tribe, and other members of the Hopi Tribe, who are eligible for benefits provided under this subchapter and who have not received all the benefits for which such members are eligible under this subchapter; and

(3) the fair market value of the habitations and improvements owned by the heads of households identified by the Commissioner is¹ being among the persons named in clause (1) of this subsection.

(Pub. L. 93-531, §13, Dec. 22, 1974, 88 Stat. 1717; Pub. L. 96-305, §6, July 8, 1980, 94 Stat. 932; Pub. L. 100-666, §4(d), Nov. 16, 1988, 102 Stat. 3931; Pub. L. 101-121, title I, §120, Oct. 23, 1989, 103 Stat. 722.)

AMENDMENTS

1989—Subsec. (b)(4). Pub. L. 101-121 struck out cl. (4) which required a report on how funds in the Navajo Rehabilitation Trust Funds would be expended to carry out the purposes described in section 640d-30(d) of this title.

1988—Pub. L. 100-666 amended section generally, substituting subssecs. (a) and (b) for former subssecs. (a) to (c).

1980—Subsec. (c)(5). Pub. L. 96-305 substituted “ninety” for “thirty”.

§ 640d-13. Relocation of households and members

(a) Authorization; time of completion; prohibition of further settlement of nonmembers without written approval; limit on grazing of livestock

Consistent with section 640d-7 of this title and the order of the District Court issued pursuant to section 640d-2 or 640d-3 of this title, the Commissioner is authorized and directed to relocate pursuant to section 640d-7 of this title and such order all households and members thereof and their personal property, including livestock, from any lands partitioned to the tribe of which they are not members. The relocation shall take place in accordance with the relocation plan and shall be completed by the end of five years from the date on which the relocation plan takes effect. No further settlement of Navajo individuals on the lands partitioned to the Hopi Tribe pursuant to this subchapter or on the Hopi Reservation shall be permitted unless advance written approval of the Hopi Tribe is obtained. No further settlement of Hopi individuals on the lands partitioned to the Navajo Tribe pursuant to this subchapter or on the Navajo Reservation shall be permitted unless advance written approval of the Navajo Tribe is obtained. No individual shall hereafter be allowed to increase the number of livestock he grazes on any area partitioned pursuant to this subchapter to the tribe of which he is not a member, nor shall he retain any grazing rights in any such area subsequent to his relocation therefrom.

(b) Additional payments to heads of household; time

In addition to the payments made pursuant to section 640d-14 of this title, the Commissioner shall make payments to heads of households identified in the report prepared pursuant to

section 640d-12 of this title upon the date of relocation of such households, as determined by the Commissioner, in accordance with the following schedule:

(1) the sum of \$5,000 to each head of a household who, prior to the expiration of one year after the effective date of the relocation plan, contracts with the Commissioner to relocate;

(2) the sum of \$4,000 to each head of a household who is not eligible for the payment provided for in clause (1) of this subsection but who, prior to the expiration of two years after the effective date of the relocation plan, contracts with the Commissioner to relocate;

(3) the sum of \$3,000 to each head of a household who is not eligible for the payments provided for in clause (1) or (2) of this subsection but who, prior to the expiration of three years after the effective date of the relocation plan, contracts with the Commissioner to relocate; and

(4) the sum of \$2,000 to each head of a household who is not eligible for the payments provided for in clause (1), (2), or (3) of this subsection but who, prior to the expiration of four years after the effective date of the relocation plan, contracts with the Commissioner to relocate.

(c) Payments to or for any person moving into partitioned area after May 29, 1974

No payment shall be made pursuant to this section to or for any person who, after May 29, 1974, moved into an area partitioned pursuant to section 640d-7 of this title or section 640d-2 or 640d-3 of this title to a tribe of which he is not a member.

(Pub. L. 93-531, §14, Dec. 22, 1974, 88 Stat. 1718; Pub. L. 100-666, §4(b), Nov. 16, 1988, 102 Stat. 3930.)

AMENDMENTS

1988—Subsecs. (a), (b). Pub. L. 100-666 substituted “Commissioner” for “Commission” wherever appearing.

§ 640d-14. Relocation housing

(a) Purchase of habitation and improvements from head of household; fair market value

The Commissioner shall purchase from the head of each household whose household is required to relocate under the terms of this subchapter the habitation and other improvements owned by him on the area from which he is required to move. The purchase price shall be the fair market value of such habitation and improvements as determined under section 640d-12(b)(2)¹ of this title.

(b) Reimbursement for moving expenses; payment for replacement dwelling; limitations

In addition to the payments made pursuant to subsection (a) of this section, the Commissioner shall:

(1) reimburse each head of a household whose household is required to relocate pursuant to this subchapter for the actual reasonable moving expenses of the household as if the household members were displaced persons

¹ So in original. Probably should be “as”.

¹ See References in Text note below.