

scribed for the use of residents of the area. The natural stand of fir trees within such 2-mile radius shall be conserved for such religious purposes.

(Pub. L. 93-531, §20, Dec. 22, 1974, 88 Stat. 1722.)

§ 640d-20. Use and right of access to religious shrines on reservation of other tribe

Notwithstanding anything contained in this subchapter to the contrary, the Secretary shall make reasonable provision for the use of and right of access to identified religious shrines for the members of each tribe on the reservation of the other tribe where such use and access are for religious purposes.

(Pub. L. 93-531, §21, Dec. 22, 1974, 88 Stat. 1722.)

§ 640d-21. Payments not to be considered as income for eligibility under any other Federal or federally assisted program or for assistance under Social Security Act or for revenue purposes

The availability of financial assistance or funds paid pursuant to this subchapter may not be considered as income or resources or otherwise utilized as the basis (1) for denying a household or member thereof participation in any federally assisted housing program or (2) for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled to under the Social Security Act [42 U.S.C. 301 et seq.] or any other Federal or federally assisted program. None of the funds provided under this subchapter shall be subject to Federal or State income taxes.

(Pub. L. 93-531, §22, Dec. 22, 1974, 88 Stat. 1722.)

REFERENCES IN TEXT

The Social Security Act, referred to in text, is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (§301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

§ 640d-22. Authorization for exchange of reservation lands; availability of additional relocation benefits; restrictions

The Navajo and Hopi Tribes are hereby authorized to exchange lands which are part of their respective reservations. In the event that the tribes should negotiate and agree on an exchange of lands pursuant to authority granted herein the Commissioner shall make available 125 per centum of the relocation benefits provided in sections 640d-13 and 640d-14 of this title to members of either tribe living on land to be exchanged to other than his or her own tribe, except that such benefits shall be available only if, within one hundred and eighty days of the agreement, a majority of the adult members of the tribe who would be eligible to relocate from exchanged lands sign a contract with the Commissioner to relocate within twelve months of the agreement or such later time as determined by the Commissioner and such additional benefits shall only be paid to those who actually relocate within such period.

(Pub. L. 93-531, §23, Dec. 22, 1974, 88 Stat. 1722; Pub. L. 96-305, §9, July 8, 1980, 94 Stat. 933; Pub. L. 100-666, §4(b), Nov. 16, 1988, 102 Stat. 3930.)

AMENDMENTS

1988—Pub. L. 100-666 substituted “Commissioner” for “Commission” wherever appearing.

1980—Pub. L. 96-305 inserted provision authorizing the Commission, in the event that the tribes agree on an exchange of lands, to make available 125 per centum of the relocation benefits provided in sections 640d-13 and 640d-14 of this title to members of either tribe living on lands to be exchanged to other than his or her own tribe, provided that within 180 days of the agreement, a majority of the adult members of the tribe who would be eligible to relocate from exchanged lands contract with the Commission to relocate within 12 months of the agreement or such later time as the Commission determines and to pay these additional benefits only to those who actually relocate within such period.

§ 640d-23. Separability

If any provision of this subchapter, or the application of any provision to any person, entity or circumstance, is held invalid, the remainder of this subchapter shall not be affected thereby.

(Pub. L. 93-531, §24, Dec. 22, 1974, 88 Stat. 1722.)

§ 640d-24. Authorization of appropriations

(a) Purposes; amounts

(1) For the purpose of carrying out the provisions of section 640d-14 of this title, there is hereby authorized to be appropriated not to exceed \$31,500,000.

(2) For the purpose of carrying out the provisions of section 640d-18(a) of this title, there is hereby authorized to be appropriated not to exceed \$10,000,000.

(3) For the purpose of carrying out the provisions of section 640d-18(b) of this title, there is hereby authorized to be appropriated not to exceed \$500,000.

(4) For the purpose of carrying out the provisions of section 640d-13(b) of this title, there is hereby authorized to be appropriated not to exceed \$13,000,000.

(5) There is hereby authorized to be appropriated annually not to exceed \$4,000,000 for the expenses of the Commissioner.

(6) There is hereby authorized to be appropriated not to exceed \$500,000 for the services and expenses of the Mediator and the assistants and consultants retained by him: *Provided*, That, any contrary provision of law notwithstanding, until such time as funds are appropriated and made available pursuant to this authorization, the Director of the Federal Mediation and Conciliation Service is authorized to provide for the services and expenses of the Mediator from any other appropriated funds available to him and to reimburse such appropriations when funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt thereof.

(7) For the purpose of carrying out the provisions of subsection (i) of section 640d-28 of this title, there is authorized to be appropriated, effective in fiscal year 1981, not to exceed \$1,000,000 annually.

(8) For the purposes of carrying out the provisions of section 640d-14 of this title, there is authorized to be appropriated not to exceed \$30,000,000 for each of fiscal years 2003 through 2008.

(b) Availability of sums

The funds appropriated pursuant to the authorizations provided in this subchapter shall remain available until expended.

(Pub. L. 93-531, §25, Dec. 22, 1974, 88 Stat. 1722; Pub. L. 96-40, July 30, 1979, 93 Stat. 318; Pub. L. 96-305, §10, July 8, 1980, 94 Stat. 933; Pub. L. 98-48, July 13, 1983, 97 Stat. 244; Pub. L. 100-666, §2, 4(b), Nov. 16, 1988, 102 Stat. 3929, 3930; Pub. L. 102-180, §2, Dec. 2, 1991, 105 Stat. 1230; Pub. L. 104-15, §1, June 21, 1995, 109 Stat. 189; Pub. L. 104-301, §10, Oct. 11, 1996, 110 Stat. 3652; Pub. L. 108-204, title I, §102, Mar. 2, 2004, 118 Stat. 543.)

AMENDMENTS

2004—Subsec. (a)(8). Pub. L. 108-204 substituted “for each of fiscal years 2003 through 2008” for “annually for fiscal years 1995, 1996, 1997, 1998, 1999, and 2000”.

1996—Subsec. (a)(8). Pub. L. 104-301 substituted “1996, 1997, 1998, 1999, and 2000” for “1996, and 1997”.

1995—Subsec. (a)(8). Pub. L. 104-15 substituted “1995, 1996, and 1997” for “1989, 1990, 1991, 1992, 1993, 1994, and 1995”.

1991—Subsec. (a)(8). Pub. L. 102-180 substituted “1991, 1992, 1993, 1994, and 1995” for “and 1991”.

1988—Subsec. (a)(4). Pub. L. 100-666, §2(1), substituted “\$13,000,000” for “\$7,700,000”.

Subsec. (a)(5). Pub. L. 100-666, §4(b), substituted “Commissioner” for “Commission”.

Subsec. (a)(8). Pub. L. 100-666, §2(2), substituted “\$30,000,000 annually for fiscal years 1989, 1990, and 1991” for “\$15,000,000 annually for fiscal years 1983 through 1987”.

1983—Subsec. (a)(4). Pub. L. 98-48, §1, substituted “\$7,700,000” for “\$5,500,000”.

Subsec. (a)(8). Pub. L. 98-48, §2, added par. (8).

1980—Subsec. (a)(5). Pub. L. 96-305, §10(a), substituted “\$4,000,000” for “\$1,000,000”.

Subsec. (a)(7). Pub. L. 96-305, §10(b), added par. (7).

1979—Subsec. (a)(5). Pub. L. 96-40 substituted “\$1,000,000” for “\$500,000”.

§ 640d-25. Discretionary fund to expedite relocation efforts**(a) Authorization of appropriations**

To facilitate and expedite the relocation efforts of the Commissioner, there is hereby authorized to be appropriated annually, effective in fiscal year 1981, not to exceed \$6,000,000 as a discretionary fund.

(b) Authorized uses

Funds appropriated under the authority of subsection (a) of this section may be used by the Commissioner for grants, contracts, or expenditures which significantly assist the Commissioner or assist the Navajo Tribe or Hopi Tribe in meeting the burdens imposed by this subchapter.

(c) Funding and construction of Hopi high school and medical center

The Secretary of the Interior and the Secretary of Health and Human Services, as appropriate, shall assign the highest priority, in the next fiscal year after July 8, 1980, to the funding and construction of the Hopi high school and Hopi medical center consistent with any plans already completed and approved by appropriate agencies of the respective departments.

(Pub. L. 93-531, §27, as added Pub. L. 96-305, §11, July 8, 1980, 94 Stat. 933; amended Pub. L. 100-666, §§3, 4(b), Nov. 16, 1988, 102 Stat. 3929, 3930.)

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-666, §4(b), substituted “Commissioner” for “Commission”.

Subsec. (b). Pub. L. 100-666, §3, amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Such funds may only be used by the Commission to—

“(1) match or pay not to exceed 30 per centum of any grant, contract, or other expenditure of the Federal Government, State or local government, tribal government or chapter, or private organization for the benefit of the Navajo or Hopi Tribe, if such grant, contract, or expenditure would significantly assist the Commission in carrying out its responsibilities or assist either tribe in meeting the burdens imposed by this subchapter;

“(2) engage or participate, either directly or by contract, in demonstration efforts to employ innovative energy or other technologies in providing housing and related facilities and services in the relocation and resettlement of individuals under this subchapter.

Not to exceed 5 per centum of such funds may be used for the administrative expenses of the Commission in carrying out this section.”

§ 640d-26. Implementation requirements**(a) Environmental impact provisions**

No action taken pursuant to, in furtherance of, or as authorized by this subchapter, shall be deemed a major Federal action for purposes of the National Environmental Policy Act of 1969, as amended [42 U.S.C. 4321 et seq.].

(b) Transfer of public lands

Any transfer of public lands pursuant to this subchapter shall be made notwithstanding the provisions of sections 1782 and 1752(g) of title 43.

(Pub. L. 93-531, §28, as added Pub. L. 96-305, §11, July 8, 1980, 94 Stat. 933.)

REFERENCES IN TEXT

National Environmental Policy Act of 1969, as amended, referred to in subsec. (a), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

§ 640d-27. Attorney fees, costs and expenses for litigation or court action**(a) Payment by Secretary; authorization of appropriations**

In any litigation or court action between or among the Hopi Tribe, the Navajo Tribe and the United States or any of its officials, departments, agencies, or instrumentalities, arising out of the interpretation or implementation of this subchapter, as amended, the Secretary shall pay, subject to the availability of appropriations, attorney’s fees, costs and expenses as determined by the Secretary to be reasonable. For each tribe, there is hereby authorized to be appropriated not to exceed \$120,000 in fiscal year 1981, \$130,000 in fiscal year 1982, \$140,000 in fiscal year 1983, \$150,000 in fiscal year 1984, and \$160,000 in fiscal year 1985, and each succeeding year thereafter until such litigation or court action is finally completed.

(b) Award by court; reimbursement to Secretary

Upon the entry of a final judgment in any such litigation or court action, the court shall award