

**(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