

such reductions to carrying capacity of such lands, as determined by the usual range capacity standards as established by the Secretary after December 22, 1974. The Secretary is directed to institute such conservation practices and methods within such area as are necessary to restore the grazing potential of such area to the maximum extent feasible.

(b) Survey location of monuments and fencing of boundaries

The Secretary, upon the date of issuance of an order of the District Court pursuant to sections 640d-7 and 640d-2 or 640d-3 of this title, shall provide for the survey location of monuments, and fencing of boundaries of any lands partitioned pursuant to sections 640d-7 and 640d-2 or 640d-3 of this title.

(c) Completion of surveying, monumenting, and fencing operations and livestock reduction program

(1) Surveying, monumenting, and fencing as required by subsection (b) of this section shall be completed within twelve months after July 8, 1980, with respect to lands partitioned pursuant to section 640d-3 of this title and within twelve months after a final order of partition with respect to any lands partitioned pursuant to section 640d-7 of this title.

(2) The livestock reduction program required under subsection (a) of this section shall be completed within eighteen months after July 8, 1980.

(Pub. L. 93-531, §19, Dec. 22, 1974, 88 Stat. 1721; Pub. L. 96-305, §8, July 8, 1980, 94 Stat. 932.)

AMENDMENTS

1980—Subsec. (c). Pub. L. 96-305 added subsec. (c).

§ 640d-19. Perpetual use of Cliff Spring as shrine for religious ceremonial purposes; boundary; piping of water for use by residents

The members of the Hopi Tribe shall have perpetual use of Cliff Spring as shown on USGS 7½ minute Quad named Toh Ne Zhonnie Spring, Arizona, Navajo County, dated 1968; and located 1,250 feet west and 200 feet south of the intersection of 36 degrees, 17 minutes, 30 seconds north latitude and 110 degrees, 9 minutes west longitude, as a shrine for religious ceremonial purposes, together with the right to gather branches of fir trees growing within a 2-mile radius of said spring for use in such religious ceremonies, and the further right of ingress, egress, and regress between the Hopi Reservation and said spring. The Hopi Tribe is hereby authorized to fence said spring upon the boundary line as follows:

Beginning at a point on the 36 degrees, 17 minutes, 30 seconds north latitude 500 feet west of its intersection with 110 degrees, 9 minutes west longitude, the point of beginning;

thence north 46 degrees west, 500 feet to a point on the rim top at elevation 6,900 feet;

thence southwesterly 1,200 feet (in a straight line) following the 6,900 feet contour;

thence south 46 degrees east, 600 feet;

thence north 38 degrees east, 1,300 feet to the point of beginning, 23.8 acres more or less: *Provided*, That, if and when such spring is fenced,

the Hopi Tribe shall pipe the water therefrom to the edge of the boundary as hereinabove described 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 au-

thorized 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.