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TITLE 25--INDIANS

CHAPTER 14--MISCELLANEOUS

SUBCHAPTER XXII--NAVAJO AND HOPI TRIBES: SETTLEMENT OF RIGHTS AND
INTERESTS

Sec. 640d-10. Resettlement lands for Navajo Tribe

- (a) Transfer of lands under jurisdiction of Bureau of Land Management;
State and private land exchanges; valuation; acquired private
lands; lands to be held in trust

The Secretary is authorized and directed to--

(1) transfer not to exceed two hundred and fifty thousand acres
of lands under the jurisdiction of the Bureau of Land Management
within the State \1\ of Arizona and New Mexico to the Navajo Tribe:
Provided, That, in order to facilitate such transfer, the Secretary
is authorized to exchange such lands for State or private lands of
equal value or, if they are not equal, the values shall be equalized
by the payment of money to the grantor or to the Secretary as the
circumstances require so long as payment does not exceed 25 per
centum of the total value of the lands transferred out of Federal
ownership. The Secretary shall try to reduce the payment to as small
an amount as possible.

\1\ So in original. Probably should be ``States''.

(2) \2\ on behalf of the United States, accept title to not to
exceed one hundred and fifty thousand acres of private lands
acquired by the Navajo Tribe. Title thereto shall be taken in the
name of the United States in trust for the benefit of the Navajo
Tribe as a part of the Navajo Reservation.

\2\ So in original. Two pars. designated (2) have been enacted.

Subject to the provisions of the following sentences of this subsection,
all rights, title and interests of the United States in the lands
described in paragraph (1), including such interests the United States
as lessor has in such lands under the Mineral Leasing Act of 1920, as
amended [30 U.S.C. 181 et seq.], will, subject to existing leasehold
interests, be transferred without cost to the Navajo Tribe and title
thereto shall be taken by the United States in trust for the benefit of
the Navajo Tribe as a part of the Navajo Reservation. So long as
selected lands coincide with pending noncompetitive coal lease
applications under the Mineral Leasing Act of 1920, as amended, the
Secretary may not transfer any United States interests in such lands
until the noncompetitive coal lease applications have been fully

adjudicated. If such adjudication results in issuance of Federal coal leases to the applicants, such transfer shall be subject to such leases. The leaseholders rights and interests in such coal leases will in no way be diminished by the transfer of the rights, title and interests of the United States in such lands to the Navajo Tribe. If any selected lands are subject to valid claims located under the Mining Law of 1872 the transfer of the selected lands may be made subject to those claims.

(2) \2\ Those interests in lands acquired in the State of New Mexico by the Navajo Tribe pursuant to subsection 2 \3\ of this section shall be subject to the right of the State of New Mexico to receive the same value from any sales, bonuses, rentals, royalties and interest charges from the conveyance, sale, lease, development, and production of coal as would have been received had the subsurface interest in such lands remained with the United States and been leased pursuant to the Mineral Lands Leasing Act of 1920, as amended [30 U.S.C. 181 et seq.], or any successor Act; or otherwise developed. The State's interest shall be accounted for in the same manner as it would have been if a lease had issued pursuant to the Mineral Lands Leasing Act of 1920, as amended.

\3\ So in original. Probably should be ``paragraph (1)''.

(b) Proximity of lands to be transferred or acquired to Navajo Reservation; lands to be used for exchanges

A border of any parcel of land so transferred or acquired shall be within eighteen miles of the present boundary of the Navajo Reservation: Provided, That, except as limited by subsection (g) of this section, Bureau of Land Management lands anywhere within the States of Arizona and New Mexico may be used for the purpose of exchanging for lands within eighteen miles of the present boundary of the reservation.

(c) Selection of lands to be transferred or acquired; time period; consultation; restriction of New Mexico lands

Lands to be so transferred or acquired shall, for a period of three years after July 8, 1980, be selected by the Navajo Tribe after consultation with the Commissioner: Provided, That, at the end of such period, the Commissioner shall have the authority to select such lands after consultation with the Navajo Tribe: Provided further, That not to exceed thirty-five thousand acres of lands so transferred or acquired shall be selected within the State of New Mexico.

(d) Progress and status of land transfer program; reports to Congressional committees

The Commissioner, in consultation with the Secretary, shall within sixty days following the first year of enactment of this subsection report to the House Committee on Interior and Insular Affairs and the Senate Select Committee on Indian Affairs, on the progress of the land transfer program authorized in subsection (a) of this section. Sixty days following the second year of enactment of this subsection the Commissioner, in consultation with the Secretary, shall submit a report to the House Committee on Interior and Insular Affairs and the Senate Select Committee on Indian Affairs giving the status of the land transfer program authorized in subsection (a) of this section, making

any recommendations that the Commissioner deems necessary to complete the land transfer program.

(e) Entitlement lands payments

Payments being made to any State or local government pursuant to the provisions of chapter 69 of title 31, on any lands transferred pursuant to subsection (a)(1) of this section shall continue to be paid as if such transfer had not occurred.

(f) Acquisition of title to surface and subsurface interest; time period; public notice; report to Congressional committees; rights of subsurface owner

(1) For a period of three years after July 8, 1980, the Secretary shall not accept title to lands acquired pursuant to subsection (a)(2) \4\ of this section unless fee title to both surface and subsurface has been acquired or the owner of the subsurface interest consents to the acceptance of the surface interest in trust by the Secretary.

\4\ See References in Text note below.

(2) If, ninety days prior to the expiration of such three year period, the full entitlement of private lands has not been acquired by the Navajo Tribe and accepted by the Secretary in trust for the Navajo Tribe under the restrictions of paragraph (1) of this subsection, the Commissioner, after public notice, shall, within thirty days, make a report thereon to the House Committee on Interior and Insular Affairs and the Senate Select Committee on Indian Affairs.

(3) In any case where the Secretary accepts, in trust, title to the surface of lands acquired pursuant to subsection (a)(2) \4\ of this section where the subsurface interest is owned by third parties, the trust status of such surface ownership and the inclusion of the land within the Navajo Reservation shall not impair any existing right of the subsurface owner to develop the subsurface interest and to have access to the surface for the purpose of such development.

(g) Lands not available for transfer

No public lands lying north and west of the Colorado River in the State of Arizona shall be available for transfer under this section.

(h) Administration of lands transferred or acquired

The lands transferred or acquired pursuant to this section shall be administered by the Commissioner until relocation under the Commission's \5\ plan is complete and such lands shall be used solely for the benefit of Navajo families residing on Hopi-partitioned lands as of December 22, 1974: Provided, That the sole authority for final planning decisions regarding the development of lands acquired pursuant to this subchapter shall rest with the Commissioner until such time as the Commissioner has discharged his statutory responsibility under this subchapter.

\5\ So in original. Probably should be ``Commissioner's''.

(i) Negotiations regarding land exchanges or leases

The Commissioner shall have authority to enter into negotiations with the Navajo and Hopi Tribes with a view to arranging and carrying out land exchanges or leases, or both, between such tribes; and lands which may be acquired or transferred pursuant to this section may, with the approval of the Commissioner, be included in any land exchange between the tribes authorized under section 640d-22 of this title.

(Pub. L. 93-531, Sec. 11, Dec. 22, 1974, 88 Stat. 1716; Pub. L. 96-305, Sec. 4, July 8, 1980, 94 Stat. 930; Pub. L. 98-603, title I, Sec. 106, Oct. 30, 1984, 98 Stat. 3157; Pub. L. 100-666, Secs. 4(b), 8, Nov. 16, 1988, 102 Stat. 3930, 3933.)

References in Text

The Mineral Leasing Act of 1920, as amended, and the Mineral Lands Leasing Act of 1920, as amended, referred to in subsec. (a), are act Feb. 25, 1920, ch. 85, 41 Stat. 437, as amended, known as the Mineral Leasing Act, which is classified generally to chapter 3A (Sec. 181 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 181 of Title 30 and Tables.

The Mining Law of 1872, referred to in subsec. (a), is act May 10, 1872, ch. 152, 17 Stat. 91, as amended. That act was incorporated into the Revised Statutes as R.S. Secs. 2319 to 2328, 2331, 2333 to 2337, and 2344, which are classified to sections 22 to 24, 26 to 28, 29, 30, 33 to 35, 37, 39 to 42, and 47 of Title 30. For complete classification of R.S. Secs. 2319 to 2328, 2331, 2333 to 2337, and 2344 to the Code, see Tables.

The first year of enactment of this subsection and the second year of enactment of this subsection, referred to in subsec. (d), probably mean the first and second year after the date of enactment of this subsection, which was July 8, 1980.

Subsection (a)(2) of this section, referred to in subsec. (f)(1), (3), means the first paragraph (2) of subsec. (a), relating to acceptance of title to private lands.

Codification

In subsec. (e), ``chapter 69 of title 31'' substituted for ``the Act of October 20, 1976 (90 Stat. 2662; 31 U.S.C. 1601 et seq.)'' on authority of Pub. L. 97-258, Sec. 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Amendments

1988--Subsecs. (c), (d), (f)(2). Pub. L. 100-666, Sec. 4(b), substituted ``Commissioner'' for ``Commission'' wherever appearing.

Subsec. (h). Pub. L. 100-666, Secs. 4(b), 8, substituted ``by the Commissioner'' for ``by the Commission'' and ``December 22, 1974: Provided, That the sole authority for final planning decisions regarding the development of lands acquired pursuant to this subchapter shall rest with the Commissioner until such time as the Commissioner has discharged his statutory responsibility under this subchapter'' for ``July 8, 1980, who are awaiting relocation under this subchapter''.

Subsec. (i). Pub. L. 100-666, Sec. 4(b), substituted

``Commissioner'' for ``Commission'' in two places.

1984--Subsec. (a). Pub. L. 98-603, Sec. 106(2), inserted provisions relating to transfer without cost to the Navajo Tribe with title taken by the United States in trust for the benefit of the Navajo Tribe as part of the Navajo Reservation of all rights, title, and interests of the United States in the lands described in par. (1), subject to existing leaseholds.

Subsec. (a)(1). Pub. L. 98-603, Sec. 106(1), struck out provisions requiring transfer of lands without cost to the Navajo Tribe with title taken by the United States in trust for the benefit of the Navajo Tribe as part of the Navajo Reservation.

Subsec. (a)(2). Pub. L. 98-603, Sec. 106(3), added the par. (2) relating to interests in lands acquired in New Mexico.

1980--Subsec. (a). Pub. L. 96-305 substituted provision authorizing the Secretary to transfer not more than 250,000 acres of land under the jurisdiction of the Bureau of Land Management to the Navajo Tribe, at no cost to the Navajo Tribe, and in order to facilitate this transfer, exchange Bureau of Land Management land, at equal valuation, for State and private land, and to accept title to not more than 150,000 acres of private lands acquired by the Navajo Tribe, with title to both the transferred and privately acquired lands to be held by the United States in trust for the benefit of the Navajo Tribe for provision authorizing the Secretary to transfer not more than 250,000 acres of land under the jurisdiction of the Bureau of Land Management to the Navajo Tribe providing the Navajo Tribe pay the fair market value of the land transferred and providing that title to the transferred land be held by the United States for the benefit of the Navajo Tribe.

Subsec. (b). Pub. L. 96-305 substituted provision requiring a border of any parcel of land transferred or acquired to be within 18 miles of the present boundary of the Navajo Reservation and providing that, with the exception of the lands unavailable for transfer, any Bureau of Land Management lands within Arizona and New Mexico be available for exchange for lands within 18 miles of the present boundary of the reservation for provision authorizing the United States to take in trust for the benefit of the Navajo Tribe any private lands acquired by the Navajo Tribe which are contiguous or adjacent to the Navajo Reservation and restricting the total acreage of lands transferred or acquired to not more than 250,000 acres.

Subsecs. (c) to (i). Pub. L. 96-305 added subsecs. (c) to (i).

Change of Name

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress. Committee on Natural Resources of House of Representatives treated as referring to Committee on Resources of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

Select Committee on Indian Affairs of the Senate redesignated Committee on Indian Affairs of the Senate by section 25 of Senate Resolution No. 71, Feb. 25, 1993, One Hundred Third Congress.

Section Referred to in Other Sections

This section is referred to in section 640d-30 of this title.

