

108TH CONGRESS  
2D SESSION

# H. R. 5168

To repeal the Bennett Freeze thus ending a gross treaty violation with the Navajo Nation and allowing the Navajo Nation to live in habitable dwellings and raise their living conditions, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2004

Mr. RENZI introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To repeal the Bennett Freeze thus ending a gross treaty violation with the Navajo Nation and allowing the Navajo Nation to live in habitable dwellings and raise their living conditions, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; FINDINGS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the  
5       “Bennett Freeze Rehabilitation Act of 2004”.

6       (b) **FINDINGS.**—The Congress finds that—

7               (1) the Navajo Nation is the largest Indian res-  
8       ervation in the United States;

1           (2) the Bennett Freeze, named after former  
2 Bureau of Indian Affairs Commissioner Robert Ben-  
3 nett, was administratively issued in 1966 to restrict  
4 the Navajo tribe from constructing and repairing  
5 their dwellings on land that was subject to a land  
6 dispute with the Hopi Tribe;

7           (3) the Bennett Freeze has affected 1,500,000  
8 acres of land, approximately 9 percent of the total  
9 acreage of the Navajo Nation, covering 10 Navajo  
10 Nation chapters and affecting nearly 8,000 people;

11           (4) only 3 percent of the families affected by  
12 the Bennett Freeze have electricity and only 10 per-  
13 cent have running water;

14           (5) since 1966, the population has increased by  
15 approximately 65 percent in the Bennett Freeze  
16 area, forcing several generations of families to live  
17 together in dwellings that have been declared unfit  
18 for human habitation;

19           (6) members of the medical community confirm  
20 that overcrowding and the absence of running water,  
21 refrigeration, and adequate sewage disposal ad-  
22 versely impact the mental and physical health of  
23 Navajos residing in the Bennett Freeze area;

24           (7) the Bennett Freeze has halted essential con-  
25 struction, including power line extensions, waterline

1 extensions, road improvements, and community fa-  
2 cilities improvements;

3 (8) when the Bennett Freeze was temporarily  
4 lifted in 1992, an ambitious \$20,000,000 construc-  
5 tion plan for new dwellings was proposed that would  
6 have improved living conditions and increased the  
7 economic viability of the Bennett Freeze area, how-  
8 ever, the plan did not become a reality because a  
9 Federal judge reinstated the freeze;

10 (9) the Navajo Nation and the Hopi Tribe have  
11 since been involved in settlement negotiations to lift  
12 the Bennett Freeze; and

13 (10) the Bennett Freeze is a gross violation of  
14 treaty obligations to the Navajo Nation.

15 **SEC. 2. AUTHORIZATION OF USE OF NAVAJO-HOPI SETTLE-**  
16 **MENT ACT.**

17 Section 12 of Public Law 93–531 (16 U.S.C. 640d–  
18 11) is amended—

19 (1) by redesignating subsection (f) as sub-  
20 section (g); and

21 (2) by inserting after subsection (e), the fol-  
22 lowing new subsection:

23 “(f) The Commissioner may carry out a rehabilitation  
24 program to redress the effects of Federal development re-  
25 strictions in the western portion of the Navajo Reserva-

1 tion. This program shall be limited to housing construction  
2 and renovation, infrastructure improvements, and eco-  
3 nomic development initiatives. There are authorized to be  
4 appropriated such sums as are necessary to carry out the  
5 program under this subsection.”.

6 **SEC. 3. REPEAL OF THE BENNETT FREEZE.**

7       Upon the approval by the Secretary of the Interior  
8 of an agreement between the Navajo Nation and the Hopi  
9 Tribe settling the land dispute over the lands subject to  
10 the Bennett Freeze, section 10(f) of Public Law 93–531  
11 (25 U.S.C. 640d–9(f)) is repealed.

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