

I have every confidence that the American people, in this era of wide public awareness of inflation and wide public opposition to its clear causes, understand these realities about Federal spending.

I believe that all of us, the President and the Congress, have a clear duty to protect the national interest in general prosperity—and therefore to resist temptations to over-spend for desirable special programs, or to spend for partisan political advantage.

I favor and have submitted to the Congress responsible and effective programs designed to cleanse the air, to purify the water, to develop and preserve rural America, to improve education, and for many other worthy purposes. No individual and no political party has a monopoly on its concern for the people, individually and in groups. But I am required always to ask:

What is best for all the people? What are the hard choices that must be made so that the general welfare is secured? Of what use is it for us to pass these measures, and more, if they are going to destroy the family budget by higher prices and more taxes?

No matter what the political pressures, no matter how frequently I may be told that in an election year a President cannot veto a spending measure, I will simply not let reckless spending of this kind destroy the tax reductions we have secured and the hard-won successes we have earned in the battle against inflation. I intend to continue to do my utmost to preserve the American family budget and to protect it from the ravages of higher taxes and inflation.

The time for fiscal discipline has long since come. The threat demands bold and difficult decisions. Let the Congress make them now.

RICHARD NIXON.

THE WHITE HOUSE, July 26, 1972.

SPENDING CEILING NECESSARY

(Mr. CORMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORMAN. Mr. Speaker, I anticipate supporting a spending ceiling. I think the ceiling is too low. I think the deficit is much too high.

Obviously, the Nixon administration's record on managing the budget is dismal. For fiscal 1971, the President forecast a \$2 billion surplus. He came out with a \$23 billion deficit. The expected \$38.8 deficit for 1972 was cut back because of underestimating spending and overestimating tax withholdings. The 1973 budget has a \$25.5 billion built-in deficit. What it really will be is hard to tell. Budget estimates from the White House have been deplorably inexact.

The administration has desperately tried to avoid talk of a tax increase, but we ought to be honest and admit that we need a tax increase.

When the President talks of fiscal responsibility, he talks with less than clean hands.

He ran through the House—and is now

using similar tactics in the Senate—a \$30 billion revenue-sharing proposal.

He is spending more money for exotic weapons for mass destruction than has ever been spent in the history of the country.

Over 3 years ago he proposed to get more people off welfare and on payrolls. There are today more people trying to find jobs—and unable to find them—than at any time in the past generation.

His disaster program is admittedly wasteful and inefficient. Farm subsidy payments are higher than ever before.

Yet, strangely, the administration is saying that the budget is being thrown out of kilter because Congress is giving \$120 a month to people who are dying of black lung disease, and because we are giving social security recipients a few more dollars for food.

One wonders how President Nixon defines fiscal responsibility.

CALL OF THE HOUSE

Mr. CABELL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

	[Roll No. 282]	
Abourezk	Esch	McMillan
Alexander	Evins, Tenn.	Macdonald,
Anderson,	Flynt	Mass.
Tenn.	Foley	Mayne
Ashley	Fulton	Michel
Baker	Gallagher	Murphy, N.Y.
Baring	Gettys	Nedzi
Belcher	Gialmo	Patman
Blaggi	Gray	Pelly
Blanton	Gubser	Powell
Blatnik	Hagan	Rarick
Broomfield	Hébert	Rooney, N.Y.
Cederberg	Henderson	Ryan
Clark	Landgrebe	Scheuer
Clay	Landrum	Seiberling
Conyers	Long, La.	Teague, Calif.
Davis, Ga.	McClure	Terry
Diggs	McDonald,	Waggonner
Dowdy	Mich.	Winn
Dulski	McEwen	
Edmondson	McKinney	

The SPEAKER. On this rollcall 374 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR CONSIDERATION OF H.R. 11128, INDIAN RIGHTS ON HOPI AND NAVAJO RESERVATIONS

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, and on behalf of the gentleman from California (Mr. SISK), I call up House Resolution 1054 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1054

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11128) to authorize the partition of the sur-

face rights in the joint use area of the 1882 Executive Order Hopi Reservation and the surface and subsurface rights in the 1934 Navajo Reservation between the Hopi and Navajo Tribes, to provide for allotments to certain Paiute Indians, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1054 provides an open rule with 1 hour of general debate for consideration of H.R. 11128, the purpose of which is to partition land in which the Hopi and Navajo Indians have an undivided joint and equal interest and to provide for allotments to certain Paiute Indians.

By court decree, the Hope and Navajo Tribes have joint and equal rights to the use of the land involved. However, the Navajo Tribe has refused to allow the Hope Tribe to exercise its joint and equal right. The Hope Tribe has attempted negotiations for 10 years without success and there seems to be no alternative to a partition of the joint-use area.

The legislation provides that the surface estate in approximately half of the joint-use area is added to the Hopi Reservation and the other half is added to the Navajo Reservation. About 775 Navajo families will need to move from the Hopi land and two Hopi families will need to move from the Navajo land.

Joint ownership of the mineral rights is not changed by the legislation.

The sum of \$16 million is authorized to relocate the families, part of which may revert to the Treasury if a majority of the Navajo heads of family who are relocated elect not to buy additional relocation land for addition to the Navajo Reservation.

The few Paiute families living there will receive allotments to the land they occupy.

Mr. Speaker, I urge the adoption of the rule.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

PARLIAMENTARY INQUIRY

Mr. Speaker, first I would like to propound a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. SMITH of California. As I understand the program, we are going to consider the rules now on this Indian rights bill, and the architect and engineers bill. There are two other bills, H.R. 7060, firefighters retirement, and H.R. 440, customs and immigration inspectors retirement.

Is it contemplated, Mr. Speaker, that

if we complete these bills at an early hour, we will then proceed with the other two bills this afternoon?

The SPEAKER. The Chair would like to proceed with the legislative program as far as possible and take all four bills; provided that the House can adjourn at a reasonable hour.

Mr. SMITH of California. I thought maybe the Members would like to know, and I would like to know for the rules.

The SPEAKER. If we can, we will take the four bills. The Chair might state we plan to take the first two rules now.

Mr. SMITH of California. As far as House Resolution 1054 is concerned, it does provide for 1 hour of debate under an open rule for the consideration of H.R. 11128, which has to do with partition of land rights between the Hopi and Navajo Indian Tribes. The gentleman from New York has adequately explained this rule.

The primary purpose of H.R. 11128 is to partition two land tracts in which the Navajo and Hopi Indian tribes have a joint interest.

A problem has arisen because the two tribes are unable to use the land jointly in harmony. Violence and bloodshed have resulted.

The first tract of land was made a part of the Hopi Reservation in 1882. However, many Navajos moved into the area, and in 1958 Congress authorized a three-judge court to settle the issue. The court provided each tribe with a clear title to some land, and set up a 1,822,000-acre tract as a joint-use area.

With regard to this joint-use area, the bill provides that the surface estate in approximately half the area is added to the Hopi Reservation, and the other half is added to the Navajo Reservation. Joint ownership of the subsurface estate is not changed. About 775 Navajo families will have to move from the Hopi land. Two Hopi families will have to move from the Navajo land.

The second tract of land covered by the bill is a joint-use area established by statute in 1934, when the Navajo Reservation was enlarged. The problems here are the same as in the first tract. This bill adds to the Hopi Reservation both surface and subsurface estates in 208,600 acres, and extinguishes all Hopi and other Indian claims to the remainder of the area. The few Paiute families living there will receive allotments to the land they occupy.

The cost of the bill is \$16,000,000 which will be used to relocate families that have to be moved.

The committee report contains a letter from the Department of the Interior supporting the bill.

There are no minority views in the committee report.

The Committee on Interior and Insular Affairs reported the bill by a voice vote.

Mr. Speaker, I urge adoption of the rule.

Mr. DELANEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 12807, SELECTION OF ARCHITECTS AND ENGINEERS BY FEDERAL AGENCIES

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1053 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1053

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12807) to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from New York is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1053 provides an open rule with 1 hour of general debate for consideration of H.R. 12807, the purpose of which is to amend the Federal Property and Administrative Services Act to establish the policy of the Federal Government in the procurement of architectural and engineering services.

Public announcement must be made of all requirements for architectural and engineering services and contracts must be negotiated on the basis of competence and qualification.

Firms will be encouraged to furnish statements annually regarding their qualifications and performance. For each proposed project the agency head shall evaluate the statements on file and shall consult with at least three firms and select in order of preference at least three firms deemed most qualified to provide the required services.

Contracts are to be negotiated with the most qualified firm at compensation determined to be fair. In the event negotiations fail with the first most qualified firm, then the agency head should negotiate with the second choice and, in the event of failure there, go to the third choice. If negotiations fail there, he should make new selections and start over.

Similar legislation was passed by the House during the last Congress and was reported by the Senate committee but never acted upon by the Senate because of adjournment.

No additional cost to the Government is anticipated by the enactment of the legislation.

Mr. Speaker, I urge the adoption of the rule.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by the distinguished gentleman from New York (Mr. DELANEY), House Resolution 1053 provides an open rule with 1 hour of debate for consideration of H.R. 12807, which has to do with amending the Federal Property and Administrative Services Act of 1949 to provide for selection of architects and engineers by Federal agencies.

The purpose of H.R. 12807 is to establish a uniform Federal policy for selecting architectural and engineering services for the Government.

In the past, architects and engineers have been obtained by a Government agency negotiating with a single firm, selected as most qualified on the basis of available information. In the event the negotiation is not successful because of disagreement about the fee, the next firm in order of qualifications is chosen for negotiation.

The advantage of this system is that architectural and engineering firms are under no pressure to compromise the quality of the design or the level of effort they will contribute to it in order to underbid a competitor. Firms are free to suggest optimum design approaches that may cost more to design, but can save in construction costs, and otherwise increase the quality of the building to be constructed.

This bill puts into statutory form the traditional system Government agencies have been using. There is no additional cost anticipated as a result of this bill.

An alternative to the traditional system was proposed by the Comptroller General in a report on April 20, 1967. In that report the Comptroller General recommended regular competitive negotiations. Under regular competitive negotiations, the quality and quantity of the product or service the Government is to receive and the price the Government is to pay are negotiated at the same time with all of the prospective contractors.

The Committee on Government Operations approved the bill by a voice vote, following failure of a motion to recommit to the subcommittee, which was defeated by a vote of 23 to 7.

Mr. Speaker, I urge adoption of the rule.

Mr. DELANEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INDIAN RIGHTS ON HOPI AND NAVAJO RESERVATIONS

Mr. HALEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11128) to authorize the parti-

tion of the surface rights in the joint use area of the 1882 Executive order Hopi Reservation and the surface and subsurface rights in the 1934 Navajo Reservation between the Hopi and Navajo Tribes, to provide for allotments to certain Paiute Indians, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Florida.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11128, with Mr. STREED in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Florida (Mr. HALEY) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. SAYLOR) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. HALEY).

Mr. HALEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman and members of the committee, H.R. 11128 partitions between the Navajo and Hopi Tribes some reservation land in which the two tribes have an undivided joint and equal interest.

In 1882, an Executive order was issued setting aside a reservation of approximately 2,472,095 acres for the Hopi Indians and such other Indians as the Secretary of the Interior may see fit to settle thereon. The purpose of the 1882 reservation was to protect the Hopis from encroachment by both the Navajos and non-Indians.

In 1882, the entire Navajo Reservation was located east of the Hopi Reservation, and the two reservations did not adjoin each other. During the years following 1882, however, the Navajo Reservation was expanded by a series of Executive and legislative actions, and today the Navajo Reservation completely surrounds the 1882 reservation for the Hopis. The Navajo Reservation now contains 12,449,000 acres, and the tribe owns an additional 921,000 acres located outside the reservation boundaries.

The Navajos were a semi-nomadic people who did not stay within their reservation boundaries. They were constantly moving into new areas. In 1882, about 300 Navajos resided within the 1882 reservation established for the Hopis. The number steadily increased, and by 1958 the number was 8,800.

The friction between the Navajos and the Hopis was great. The Hopis claimed that the Navajos had no right to be in the 1882 reservation at all, and the Navajos claimed that they were there by permission of the Secretary of the Interior. In 1958, Congress enacted a statute authorizing a three-judge U.S. District Court to adjudicate these conflicting claims and to determine the property rights of each tribe.

The court found as fact that no Secretary of the Interior had ever specifically settled any Navajos on the 1882 reservation, that the Navajos had moved there without any official authorization, but that since 1931 the Secretary of the Interior had acquiesced in their presence and had impliedly exercised his authority to settle them there. The court held that the Hopis had an exclusive right and interest in about 650,000 acres of the reservation known for administrative purposes as Grazing District No. 6, and that the Hopi Tribe and the Navajo Tribe had joint, undivided, and equal rights and interests in the remainder of the reservation, consisting of about 1,822,000 acres.

Notwithstanding the fact that the court determined that the two tribes have equal rights and interests in the 1,822,000 acres, the Navajos were then and are now in actual possession, and they have refused for the 10 years since the court's decision to permit the Hopis to use any part of the joint-use area. Moreover, the Secretary of the Interior has failed to do anything to permit the Hopis to exercise their joint-use rights. He has in fact refused to permit them to do so.

The joint-use area is badly overgrazed by the Navajos, perhaps to the extent of 400 percent, and the Secretary has been unable to persuade the Navajos to reduce grazing to the carrying capacity of the land. The Secretary has also refused to cancel any of the Navajo grazing permits and issue new permits to the Hopis.

Because of the severe overgrazing of the joint-use area, the Navajo livestock are constantly trespassing on the Hopi exclusive area, where the forage is better, and the Hopis are impounding those trespassing livestock. Violence and bloodshed have resulted. The Hopis are not only denied their joint-use rights, but their exclusive Hopi area is also threatened.

During the past 10 years the two tribes have attempted to negotiate a joint-use agreement, but the negotiations have failed. The Navajo position was, and still is, that they are in possession of the land and will not relinquish any part of it unless the United States provides lieu land to which the Navajos can be moved. The Navajos actually oppose that solution and ask that the United States purchase the Hopi interest in the joint-use area and give it to the Navajo Tribe. The Hopi position was, and still is, that they have been pushed back and encircled by the Navajos, that the Navajos have invaded and taken large parts of the 1882 reservation which was intended to be for the benefit of the Hopis, that the Hopis will give up no more land, and that the Navajos must vacate one-half of the joint-use area in order to give effect to the court decree.

A second problem relates to Navajo-Hopi conflict over lands immediately west of the 1882 reservation. When the boundaries of the Navajo Reservation were enlarged by the act of June 14, 1934 (48 Stat. 960), the vacant lands within the reservation boundaries were withdrawn for the benefit of the Navajos and such other Indians as were al-

ready located thereon. Hopi Indians were then living in the villages of Moencop and Tuba City, which lie west of the 1882 Hopi Reservation, and Hopi Indians were living on the land between these villages and the 1882 reservation. The Hopi Indians have by statute the same type of joint interest in this land that the Court determined they have in the joint-use area of the 1882 reservation.

The problems in the two areas are the same. The Navajo population pressures are compressing the Hopis into smaller and smaller areas, and the two tribes are unable to use the land jointly in harmony. There is a need to delineate the lands each tribe is entitled to use.

The Subcommittee on Indian Affairs held extensive hearings on H.R. 11128. Representatives of the Hopi Tribe and the Navajo Tribe presented their views in great detail. The Assistant Secretary for Public Land Management and the Commissioner of Indian Affairs also testified in detail.

The Navajo representative opposed the bill on the ground that the two tribes should settle their dispute by negotiation. The Hopi representatives urged the enactment of the bill on the ground that negotiations had been attempted for 10 years and had failed because the Navajos refused to consider any agreement that allowed the Hopis to exercise their judicially decreed right to an equal use of the land.

The Department of the Interior recommended the enactment of the bill if the alternatives were considered and found to be impractical. The Assistant Secretary testified that he saw no solution other than partition of the land as provided in the bill.

The committee concluded that the Navajo Tribe had refused to allow the Hopi to exercise its joint and equal right to use the land, as decreed by the court, and that there was no reasonable basis for believing that the Navajo Tribe would change its position on this basic issue as the result of further negotiation. The Navajo Tribe is in possession of the land, and it has adamantly refused to discuss any plan that called for a relinquishment of its possession. The committee also concluded that the Hopi tribe was unwilling to sell its undivided but equal interest in the land, either for money or in exchange for other land, and that there is no practical alternative to a partition of the joint use as provided in the bill.

The bill provides that the surface estate in approximately half of the joint-use area is added to the Hopi Reservation and other half is added to the Navajo Reservation. About 775 Navajo families will need to move from the Hopi land, and two Hopi families will need to move from the Navajo land. The bill authorizes the appropriation of \$16 million to relocate these families. Joint ownership of the subsurface estate is not changed by the bill.

With respect to the 1934 reservation, the bill adds to the Hopi Reservation both the surface and subsurface estates in 208,600 acres, and extinguishes all Hopi and other Indian claims to the re-

mainder of the area. The few Paiute families living there will receive allotments to the land they occupy.

I am convinced that the enactment of this bill is necessary to resolve a highly emotional issue, which has resulted in violence and bloodshed. There is no other way to permit the Hopi to exercise their joint and equal rights in the land. It is unfortunate that a partition of the land will require about 775 Navajo families to move, but those families came into the area without permission, and they have no moral or legal right to monopolize the use of the land by excluding the Hopis. Moreover, the bill provides generous financial assistance for relocating these families.

I urge enactment of the bill.

Mr. SAYLOR. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I rise in support of H.R. 11128, a bill to authorize the partition of the surface rights in the joint-use area of the 1882 Executive order Hopi Reservation and the surface and subsurface rights in the 1934 Navajo Reservation between the Hopi and Navajo Tribes, to provide for allotments to certain Paiute Indians, and for other purposes.

The purpose of this bill is to legislatively settle a dispute between the Navajo and Hopi Indian tribes—a dispute that we all have been hearing about via the news media, depicted as a range war. In fact, it has reached that proportion. Not incidentally, a purpose of this bill is to rectify the nonfeasance of past administrations regarding this matter.

The roots of the dispute between the Hopi and Navajos go back to 1882 when, by Executive order, about 2,500,000 acres in Arizona were set aside for the Hopi Indians and such other Indians as the Secretary of the Interior might see fit to settle thereon. The purpose of that reservation of land for the Hopi peoples was to protect that essentially agrarian and peaceful nation from encroachment by their neighboring more nomadic Navajos and non-Indians. Although the Hopi reservation was in proximity to the Navajo reservation, the two were separated. Today, however, the Navajo reservation surrounds the 1882 Hopi Reservation and more than 8,000 Navajos live within the Hopi Reservation.

The friction between the two tribes that prompted the establishment of the 1882 reservation reached crisis proportions by 1958. Hopis claimed Navajos had no right to the 1882 reservation, and Navajos claimed the Secretary of the Interior's permission to the same lands. Congressional action was necessary and the resultant legislation authorized establishment of a special Federal District Court to adjudicate the claims and determine respective property rights.

In retrospect, legislation similar to that before us today might have precluded additional congressional action.

The special three-man court found:

That since 1931, the Secretary of the Interior had acquiesced in the Navajo's presence on the 1882 reservation thereby, by implication, exercising his authority to settle Navajos thereon;

That the Hopis had exclusive right to

about 650,000 acres known as Grazing District 6; and

That both tribes had joint, undivided equal interests in the remainder of the 1882 reservation, or about 1,800,000 acres.

Unfortunately, the court did not partition the lands.

The Navajos have been and still are in exclusive possession of the approximately 1,800,000 acre "joint use area" and refuse to permit access to the Hopis. The Secretary of the Interior, too, has done nothing to further the Hopis right to that joint use area. Overgrazing of the area by as much as 400 percent has resulted in Navajo livestock trespassing upon the Hopi exclusive-use area where forage is richer. The Navajos have refused to reduce their grazing to the carrying capacity of the land and the Hopis have impounded trespassing Navajo livestock. Violence has resulted. Negotiation between the two tribes has failed.

A similar situation exists on what is commonly known as the 1934 Navajo Reservation. That reservation was, in effect, an enlargement of the then existing Navajo reservation. Hopis and other Indians living in the enlarged area were granted joint use rights, but have been driven into smaller and smaller groups with diminishing land base by the constantly expanding Navajos. The situation is similar and equally volatile.

The Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs held exhaustive hearings on this legislation and the full committee carefully considered the subcommittee's work. The bill before us today has the unanimous approval of the Committee on Interior and Insular Affairs. The committee recognized that the only acceptable solution to the problem was partition and relocation. The committee recognized that complete satisfaction for both tribes was impossible. The committee carefully weighed the equities: On the one hand, the estimated rights of 6,000 Hopis to their lands, and on the other, the needs of 130,000 Navajos to continue their traditional semi-nomadic way of life.

The committee concluded that the most practicable solution was to partition the surface estate of the joint use area, one half to the Navajos, and one half to the Hopis. Division of proceeds from jointly held mineral interests are readily mathematically ascertainable and have not been fraught with the problems plaguing the surface estate. The committee therefore decided that subsurface rights should remain in joint ownership. About 208,600 acres of the 1934 reservation will be reserved exclusively for the Hopis.

Approximately 775 Navajos families and two Hopi families will be moved as a result of the partition. The Federal Government cannot deny some culpability in this matter. It, therefore, is fitting that adequate relocation assistance be provided. The bill authorizes \$16 million for that purpose. As originally drafted, \$20 million were authorized, but the Committee on Interior and Insular Affairs, in its wisdom, determined that a maximum of \$16 mil-

lion would do the job. If Navajo families who will be moved elect to be relocated within the Navajo Reservation, it is anticipated that not all of those moneys will be needed. Sufficient moneys are authorized, however, to purchase additional lands to resettle Navajo families if desirable.

There are a few Paiute families living within the 1934 reservation. These families will receive allotments to the lands which they now occupy.

The Committee on Interior and Insular Affairs worked long and diligently on this legislation. The committee consensus is that this bill embodies the most practicable solution to a volatile situation. The partition is arbitrary. Neither tribe will be fully satisfied. It will be expensive. Nevertheless, passage of this legislation will, in the opinion of the committee and of the Department of the Interior, squelch the sparks now smoldering and prevent conflagration.

I urge your support for the passage of H.R. 11128.

Mr. HALEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill is before the House today because the Secretaries of the Interior and the Commissioners of Indian Affairs during the past 40 years have not done their jobs properly. I am not criticizing the present incumbents alone, but include prior administrations under both parties.

When the Hopi Reservation was established in 1882, it was for the benefit of the Hopi Indians and such other Indians as the Secretary of the Interior might see fit to settle thereon. During the next 50 years the Secretary did nothing affirmative to settle any other Indians on the reservation, but he stood by, silently, while the Navajo Indians moved into the reservation in steadily increasing numbers. He allowed this movement to continue in spite of protests from the Hopis and in spite of the fact that the 1882 reservation was established to protect the Hopi Indians from the pressure of the Navajos.

Furthermore, he did nothing to control by grazing permits the areas that could be used by Navajos and the areas that could be used by Hopis. He just did nothing, and the Navajos took over two-thirds of the grazing area of the reservation.

In 1958, the Secretary passed the buck to Congress, saying that he did not know what the rights of the two tribes were, notwithstanding the fact that he had full legal authority to control settlement on the reservation. He asked Congress to pass an enabling act to permit a three-judge court to decide what kind of property rights his predecessors had created.

Congress enacted this legislation, and the court made its decision. The court decided that the Hopis had exclusive rights in about one-third of the reservation, and that the Hopi and Navajo Tribes had joint and equal rights in the remaining two-thirds of the reservations.

Again the Secretary and the Commissioner of Indian Affairs failed to perform their administrative responsibilities. Although the court had decided that

the two tribes had equal rights to the use of the land, the Navajo Tribe refused to allow the Hopi Tribe to use any of the land and the Secretary did nothing. As a trustee responsible for administering the land he not only did nothing, but he actually thwarted the efforts of the Hopis by refusing to issue to them any grazing permits. For 10 years the Navajo have stalled, in effect ignoring the court's decree, and for 10 years the Secretary, as trustee, allowed the Navajos to retain exclusive control notwithstanding the Hopi's equal use rights.

Now the buck has been passed to Congress again. Since the Secretary will not administer the land for the joint use of the two tribes, Congress is asked to partition the joint-use area and give half of it to the Navajo Tribe and half of it to the Hopi Tribe. It is true that the Secretary has no authority to partition the legal title to the land, but he does have authority to administer the land in a manner that assigns use areas to each tribe. He has not done this.

Although I am critical, I am also a realist, and I am convinced that legislation to partition the joint-use area is necessary in the light of the facts as they exist today.

This bill should be enacted for that purpose.

The major problem involved in a partition of the land is the fact that about 775 Navajo families live on the one-half of the joint-use area that will go to the Hopis. These 775 families will have to be relocated. The bill as amended by the committee authorizes the appropriation of \$16 million for this purpose. This is a generous amount.

The Department of the Interior estimated that the value of the houses, fences, wells, and other improvements on the land that will be left behind by these 775 families will average about \$2,000 each, and that actual moving expenses will average \$600 each. If the 775 families move over onto the Navajo Reservation and construct comparable dwellings and improvements, the total cost of moving and construction would be around \$4 million, assuming that comparable facilities may cost twice the value of the facilities that are vacated. The bill provides for the payment of these costs in full, and also provides an additional \$12 million which could be used to purchase new land on which to relocate the 775 families if a majority of them want to purchase land, rather than move onto the present Navajo Reservation. If the \$12 million is not used to purchase land it will revert to the U.S. Treasury.

The committee did not regard the United States as obligated to pay for the relocation of the Navajo families who moved onto the 1882 reservation without any official authorization or financial assistance from the Government. The committee believed, however, that the actions of the Department of the Interior during the past 40 years contributed to the problem, and that it is only equitable for the Government to minimize the social impact involved in the relocation. The Government will do so by paying for the cost of purchasing additional grazing land, the cost of moving, and the cost

of acquiring comparable replacement housing. If a majority of the displaced families do not want to purchase additional grazing land and live on it, then the appropriation authorized for that purpose will revert to the U.S. Treasury, and the cost of the Government will be less than \$16 million.

The Department of the Interior asked that the money appropriated for relocation purposes be made available to provide better replacement housing than the displaced Navajos now have. The bill, however, provides only for comparable replacement housing. Although better housing is undoubtedly needed, this is not a housing bill and the housing need is not related to the partition of the land. Better housing should be financed under other programs and not tied to this bill.

I am convinced that there is no feasible alternative to the enactment of this bill. The dispute involves a deep emotional attachment to the land by both the Navajo Tribe and the Hopi Tribe. It has been brewing for more than 40 years. The courts have determined that the two tribes have joint and equal rights in the land. The two tribes cannot use the land jointly. History has demonstrated this fact. A partition of the land is necessary unless Congress is willing to expropriate the Hopi interest in the land and give it to the Navajos. I am not willing to take that action.

Mr. Chairman, I urge, in all justice and in all fairness, the enactment of this bill.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Thank you, Mr. Chairman.

I get up today for two reasons. One has to do with yesterday. I was all prepared to make a speech on the floor in support of a bill I had up yesterday, and then all of a sudden somebody asked that it be passed and I got left standing at the altar, so I thought today I might take a little time to try to point out some of the issues involved in this legislation.

Mr. Chairman, this legislation proposes to cut a joint-use area in half. There is some question as to whether it is half or quite a bit more that is going to one side or the other.

Basically the proposition is to cut the joint-use area between the Hopis and the Navajos and assign a certain area to each one of the tribes. Further, it proposes to appropriate some funds to buy other properties in order to compensate the Navajos for the loss of this land.

We could go into a lot of issues on this particular problem. First of all, there is a problem as to where the animals of the Navajo Tribe are going to graze. That is one problem which comes up. Second, there is the problem of the court decisions which have maintained it is a joint use area for use by both tribes. There is also an unfairness in the situation where it gives half of the land to 6,000 Hopis when there are over 100,000 Navajos.

All of these things are very self-evident, Mr. Chairman, and point up the fact that it is just really not an equitable situation.

What bothers me the most is the relocation of some 6,000 people who now occupy this joint use area. Six thousand Navajos. It is reminiscent of one time when they were marched for 100 days from Fort Sumner into the present reservation. That is what we are getting ready to do again in relocating 6,000 people. We have from time immemorial felt that we ought to have people make their own decisions. We have moved in this Congress in that direction with revenue-sharing proposals. We have all criticized very much the Bureau of Indian Affairs for its paternalism. All that the Navajos have asked for is give us an opportunity to resolve this problem among ourselves.

There was discussion in the committee of setting up some sort of mechanism whereby there might be so many people representing the Hopis, so many representing the Navajos, and so many as impartial members of this particular board and give both tribes the opportunity to work the problem out between themselves. Then, if they were not able to come to a satisfactory resolution, this board would make the decision and both tribes would have to adhere to whatever the decision was.

Mr. Chairman, I come before this House today to oppose this legislation simply on the basis that I think the best way to proceed is to let the two parties work out some sort of equitable settlement between themselves.

Thank you very much.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. STEIGER).

Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Arizona. I will be happy to yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Chairman, it has been mentioned by the gentleman from New Mexico, who just preceded the gentleman from Arizona in the well, that there is a question as to where these Navajos will have to go, and a number of other Members of the House have asked me that same question. Therefore I would ask the gentleman from Arizona: Does the Hopi Tribe have any other land other than the grazing land in District No. 6, and the one-half of the reservation that they are being given now? And, also, how much land does the Navajo Tribe have?

Mr. STEIGER of Arizona. Mr. Chairman, I thank the gentleman for the questions, and I will be happy to respond.

All of the Hopi lands lie within the jurisdiction of what is known as the joint-use land, and include district 6. I think that the land that belongs to the Navajos now, outside of the joint-use land, outside of the 1.8 million acres, amounts to something somewhere in the neighborhood of 12 million acres. I think the gentleman must recognize that we are talking about in excess of 100,000 Navajos, and there are only 6,000 Hopi Indians, so I think we should keep this in context.

But the gentleman does raise an excellent point because it does appear if one just listens to this discussion, as if the

Navajos had no place to go, in effect, and that simply is not so.

Mr. SAYLOR. That is the reason I asked the question, because other Members of the House have raised this same question.

Mr. STEIGER of Arizona. I thank the gentleman.

Mr. Chairman, I would tell the members of the committee that I do represent the district where this particular situation exists, and it is not a happy situation. In essence, the chairman of the full committee, the chairman of the subcommittee, and the ranking member of the subcommittee have explained the problem very specifically, and completely accurately.

What has happened is because, in my view, of the dereliction of the Federal Government in the past, including the courts, the executive department, and the Congress, who have permitted a bad situation, if you will, and a combination of the movement of Navajos into the joint-use area, plus the drought, has forced Navajo livestock men to put their livestock on what is clearly Hopi land. That is what brought this matter to a head.

We have had in the past year and a half a series of violent contacts between the two tribes.

In 1962 the Supreme Court of the United States upheld a Federal district court's decision in the case of Healing against Jones, which agreed that the Hopi Indians had an undivided half interest in the joint-use lands. But the court stopped there. They did not say how this undivided interest would be acquired by the Hopi, how it would be utilized by them, and the Navajos continued to use it, continued to use it, and continued to move in on the lands.

The Members have received a letter from Chairman MacDonald this morning of the Navajo Tribe, and in that letter he talked about 6,000 Navajos who have lived on that land since their birth. I do not think the chairman meant to deceive us, but that simply is not the case. Approximately half of these people have moved in there since the decision in Healing against Jones, and it cannot be any stretch of the imagination to say that they have been there since their birth.

Mr. Chairman, this bill contains a sum of money. If those 770-some families of Navajos should elect to do so, or a majority of them, there are moneys provided for in this bill for the acquisition of new lands for the Navajo Tribe to be used as a home for these people who are being displaced. I do not think there is anyone, except for the people affected, the Navajo Council and Chairman MacDonald, who regrets having to move these people more than I do, and very practically, this presents a very real political problem.

It is my rationale that this money is a valid expenditure on the part of the Federal Government because it is the result of dereliction by the Federal Government that this matter has been allowed to reach the state in which it now exists.

Even the Congress has failed to face this issue squarely. The best example of

that is that some 8 years ago, I believe, a Navajo-Hopi Boundary Dispute Commission was formed in the Congress made up of Members of this body and of the other body. To the best of my knowledge, that Commission has never met and I suspect that if they had met, they would have accomplished no more than by not meeting. So in that sense, they did render a service.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. SAYLOR. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. STEIGER of Arizona. I thank the Chairman and I thank the gentleman from Pennsylvania.

I will tell you, my friends, like any other arbitrary decision, this one really satisfies nobody. But I am convinced that if we do not take action here in this body and if we permit the violence to build and wait until somebody loses his life or until a number of people lost their lives, then we are obviously going in panic into some alternative solution.

I tell you, my friends, what we do here today will resolve this situation, probably to nobody's satisfaction except that it will resolve it and these two peoples can then live in peace, hopefully from here on out.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman.

Mr. LUJAN. I thank the gentleman for yielding.

The implication has been made here in the discussion as to who has how much land—and that it would be very simple for the Navajos just to move into the rest of the Navajo Nation.

Is it not true, however, that that is not a practical solution? The animals that graze on that joint-use-area land—and these are not big ranches—these are people who own just a few head of sheep or a few head of cattle—is it not true that this is not practical nor possible to move these animals in there because there is just not very good land and it could not accommodate these additional animals?

Mr. STEIGER of Arizona. I agree with the gentleman. That is why we put money in the bill for the acquisition of new lands for the tribes for the purpose of relocating some livestock land on this new land.

I will tell you, my colleagues, I think under the conditions the Navajos do not recognize that this is probably the best bill they are going to get. But I will not speak for their view of this matter, but I will tell you that we sincerely believe—this is the best bill they can get. This is a difficult and complex situation and one that nobody likes and nobody appreciates, but it is a situation that must be resolved.

Mr. UDALL. Mr. Chairman, the Interior Committee has written a bill which attempts to resolve a longstanding, bitter and sometimes bloody land dispute between the Hopi and Navajo Tribes. The committee has resolved this matter in a very direct and aggressive manner—by simply drawing a line between the disputed lands and partitioning them to re-

flect ownership as determined by the Supreme Court in Healing against Jones.

I do not criticize the committee for taking this approach inasmuch as it is one logical way to deal with this problem. And yet, like so many lawyers in this chamber, I have run across cases where the direct and logical approach was perhaps not the wisest, where actions were taken in the name of justice only to find their result was more unjust and misery. The bill and case before us present such a dilemma.

Our real purpose in this legislation ought not to be division of land, but the making of peace. The committee has apparently concluded that peace can be achieved if only the Congress will draw an artificial barrier separating lands that for many years have been jointly, if imperfectly, used by the tribes. My instincts tell me that is not the answer. My instincts tell me that if the answer were that simple the problem would have been settled long ago—and without a series of encounters referred to by some journalists as a frontier range war.

If I can be allowed to stretch an analogy, this boundary settlement reminds me of one drafted by the world's major powers in Geneva 18 years ago. In an attempt to end an interminable war in Indochina, a line was drawn in Vietnam and that country was to be partitioned between the governments of the north and south. As we know, that line had far more impact on the minds of Western diplomats than on the lives of the Vietnamese.

Arizona is not Vietnam, and the Navajos and Hopis are not the Vietnamese. And yet I wonder if the Interior Committee bill before us today does not in a lesser sense make the same mistake made by the great powers in 1954.

We can draw a line today and solve the problem in our own minds, but what do we do if the tribes fail, as well as they might, to accept our logic? How many national guardsmen are we prepared to send to the reservation to enforce this boundary?

I have always believed in the search for peace one should not limit his options. And yet the bill before us limits options in the extreme; it obviates negotiations between the tribes because there is nothing left to talk about; it does not force them to compromise, and hopefully to learn to live together in the process, but rather it hardens the lines and makes them powerless to solve their own dispute even if they were so inclined.

There are some hard, tough facts of life which argue against the committee approach.

There is a lingering mistrust among Arizona Indian tribes of their white brothers, and consequently any direct action the Congress takes to settle this dispute under our system of law will be viewed with suspicion not only by the Navajos—who are uniformly opposed to the bill—but also by a large segment of the Hopi tribe, the so-called traditionalists who have not accepted the white man's ways.

There is the problem of numbers. There are roughly 140,000 Navajos and

6,000 Hopis. Within the lands granted by the committee to the Hopi, live more than 700 Navajo families. This is barren, overgrazed land, and they subsist mostly in dirt floor hogans, without plumbing, electricity, or running water. Yet, their roots are in this land, and they love it more than we can understand. The committee bill is for them an eviction notice, even if ornamented with the carrot of Federal assistance, and there is reason to believe they will not react favorably.

While the Hopis tend to live in villages—within defined territorial units—the Navajos are seminomads. By tradition they are farmers and sheepmen, and they tend to roam the land without respect for borders established by what we consider the normal authorities. Few Hopis, if any, actually live on the open range and their need for land both in terms of population and tradition does not approach that of neighboring Navajos. The committee-approved boundary, if enforced, would no doubt exacerbate tensions inevitably brought on by the differing life styles and needs of the tribes.

In the face of this apparent and seemingly inevitable conflict, is it possible for the tribes to live together in peace? I would hope it is, and yet I have to wonder whether the piece of legislation before us today serves that end. If peaceful coexistence is possible, it will only be achieved in my opinion through the mutual consent of the Navajo and Hopi people.

Therefore, I would ask my colleagues to fall back from this aggressive, imposed solution, even though they might be tempted by its logic. Let me recommend to the House and Senate Interior Committees the broad outline of an approach which I feel would remove much of the sting from the final outcome, no matter which tribe ultimately prevailed.

I suggest that the Congress create a commission, made up solely of Indian representatives, to arbitrate this dispute. The commission should probably have five members—one Hopi, one Navajo, and three other Indians appointed by the President from a list submitted by the Congress of American Indians. The commission would hold onsite hearings, conduct detailed studies and guide negotiations between the tribes. Ultimately, if no mutual understanding could be reached on the joint-use area, the commission would draw a boundary. I have a hunch that under the pressure of time and this kind of commission, the tribes would find a solution they could live with; even if they failed the boundary would be drawn by an all-Indian commission, and their cases would have been made in a forum, unlike the Congress, where the tribes would feel comfortable in the knowledge that their traditions and needs are fully understood.

If I understand the Court's decision in *Healing against Jones*, the Congress was left with many options in dealing with this delicate problem. While I can understand the thinking and the impatience of the Interior Committee I seriously question the wisdom of taking such direct, aggressive action. I will vote against H.R. 11128, and I urge my colleagues to do likewise.

Under unanimous consent, I append to my remarks the following letter to my colleagues written by Navajo tribal chairman, Peter MacDonald.

EXECUTIVE OFFICE OF THE CHAIRMAN, THE NAVAJO NATION,
Window Rock, Ariz., July 26, 1972.

DEAR CONGRESSMAN: Today you will be called upon to vote on H.R. 11128. On behalf of the Navajo Nation, I ask you, I plead with you, to vote against that bill.

H.R. 11128 would expel about 6,000 of my people from the land on which they have lived since their birth and on which they and their ancestors have depended for their livelihood. The people affected, most of whom are sheepherders, would have their lives totally disrupted. Family ties would be severed. Sacred beliefs, deeply rooted in the lands where the Navajos were born, would be disturbed. Children yet unborn would suffer from the dislocation caused by H.R. 11128.

What the bill would do is move Navajo people to make room for Hopi livestock. The Hopis, living in their traditional villages, do not plan to move onto the land from which the Navajos will be expelled. They will merely increase their livestock herds.

There is no doubt that the Hopis have a legal interest in the land with which H.R. 11128 deals, co-equal with the interests of the Navajos. But this legal interest can be respected in some way other than by visiting misery on 6,000 Navajo people. We have offered proposals to provide a fair solution to the problem, without damaging the lives of anyone. You, the Congress, have the power to arrange for a fair settlement, to give everyone his legal rights, without expelling thousands of people from their home land. We ask you to arrange for a fair settlement by voting against H.R. 11128.

There have been rumors circulated about outbreaks of serious violence between Navajos and Hopis; there have been stories about people getting killed. No one has, in fact, been killed and many of the reports of violence are greatly exaggerated. There is no doubt that a problem exists, but H.R. 11128, the Navajo expulsion bill, will not solve it.

The bill before you says that the entire task of expelling the Navajos will cost \$16,000,000. The fact is that it will cost the American taxpayers millions of dollars more. Schools and public health installations serving the 6,000 people who are about to be expelled have cost some \$40,000,000. New facilities may now have to be built for these people elsewhere. The welfare and other social service costs which will be expended on the expelled Navajos will add many millions more. The damage done to thousands of human lives will be immeasurable. The ultimate financial cost may come to \$100,000,000—all just to make room for Hopi livestock.

I urge you not to sacrifice people to cattle and sheep. Please vote against H.R. 11128.

Sincerely yours,

PETER MACDONALD,
Chairman.

Mr. SAYLOR. Mr. Chairman, I have no further requests for time.

Mr. HALEY. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the surface rights in and to that portion of the Hopi Indian Reservation created by the Executive Order of December 16, 1882 in which the United States district court found the Hopi and Navajo Indian Tribes to have joint, undivided, and equal interests in the case entitled *Healing against Jones* (210 Fed. Supp. 125 (1962)), affirmed 373 U.S. 758 shall be partitioned in kind as provided in this Act.

SEC. 2. Hereafter the United States shall hold in trust exclusively for the Hopi Indian Tribe and as a part of the Hopi Indian Reservation, the surface interests in and to the following described lands:

Commencing at the northeast corner of the Executive Order Reservation of December 16, 1882, 110 degrees 00 minutes west longitude by 36 degrees 30 minutes north latitude;

thence due south, 40.6 miles to mile 209 on the east boundary of the Executive Order Reservation of 1882, as surveyed by United States Bureau of Land Management in 1963 and 1964, to the true point of beginning;

thence due south, 9.9 miles, following the east boundary of the Executive Order Reservation of 1882 to the centerline of State Route 264;

thence southwesterly, 33,900 feet, following the centerline of State Route 264, to the center of its junction with State Route 77;

thence southerly, 7.73 miles, following the centerline of State Route 77;

thence west, 31 degrees 30 minutes south, 29,300 feet, to the southwest corner of section 6, township 25 north, range 21 east;

thence west, 11.5 miles, following the section lines to the northwest quarter corner of section 7, township 25 north, range 19 east;

thence southwesterly 16,500 feet, to the intersection of the section line between sections 14 and 23, township 25 north, range 18 east, and the Old Polacca-Winslow Road;

thence southerly $\frac{1}{4}$ miles, following the centerline of the Old Polacca-Winslow Road, to the south boundary of the Executive Order Reservation of 1882;

thence due west, 26 miles, following the south boundary of the Executive Order Reservation of 1882, to a point due south of Monument Point, also known as Finger Point and Katchina Point;

thence due north, 18,250 feet, to Monument Point;

thence northwesterly, following the rim of Garces Mesa, to the western extremity thereof, located in the southwest quarter of section 1, township 25 north, range 13 east;

thence northwesterly, 2.4 miles, following a fence line, to the end of the fence line and the southern extremity of Garces Mesa, located in the southeast quarter of section 27, township 26 north, range 13 east;

thence northerly, following the rim of Garces Mesa to a point where said rim intersects the line common to the northeast quarter and the northwest quarter of section 22, township 26 north, range 13 east;

thence north, 1,500 feet, to the north quarter corner of section 22, township 26 north, range 13 east;

thence north northeasterly, 6,000 feet, to the northeast corner of section 15, township 26 north, range 13 east;

thence north, 3,500 feet, along the section line;

thence west 16 degrees 30 minutes north, 4,800 feet, to the end of a fence adjoining Dimmebito Wash;

thence west 16 degrees 30 minutes north, 4,000 feet, following the fence, to the top of a rim;

thence north 53 degrees west, 5,900 feet, following a fence, to the top of Moencopi Plateau;

thence northwesterly, 9,300 feet, following the rim of the plateau to its junction with the west boundary of the Executive Order Reservation of 1882, 4,650 feet south of mile 110;

thence due north, 41 miles to the centerline of United States Route 164;

thence northeasterly, 5 miles, following the centerline of Route 164 to the junction of a road to the east;

thence south 30 degrees east $4\frac{1}{4}$ miles, to the top of the rim;

thence southerly, 1.1 miles, following the rim;

thence east 11 degrees south, 2.6 miles, to a point where the Black Mesa Slurry Pipeline intersects the 36 degree 15 minute parallel;

thence northeasterly, 8.2 miles, following the north boundary of the pipeline right of way;

thence north 59 degrees east, 3.2 miles, to the junction of two major drainages from the north;

thence north 44 degrees east, 2.7 miles, to the easterly bend in a pickup road;

thence northeasterly, 3.6 miles, following the said road, to a point where the road bears abruptly to the southeast;

thence northeasterly, 4¼ miles, following the divide;

thence due east, 3 miles, to 110 degrees 30 minutes west longitude;

thence east 27 degrees 30 minutes south, 2.9 miles, to a point where the east boundary of the right of way for the proposed State Second Mesa Kayenta Road crosses the Moencopi Wash;

thence southerly, 20½ miles, following the east boundary of the proposed road right-of-way to a point south of Big Mountain Dam where a line from Gum Point bearing north 54 degrees 02 minutes west will intersect the east boundary of the right-of-way;

thence south 54 degrees 02 minutes east, 21.8 miles to Gum Point;

thence southeasterly, 8½ miles, following the northern rim of the mesa to mile 209 on the east boundary of the Executive Order Reservation of 1882, to the point of beginning; excepting the Hopi Reservation as established by the decree of the United States District Court on September 28, 1962, in said case of Healing against Jones; containing nine hundred and four thousand two hundred and sixty-five acres, more or less.

Sec. 3. Hereafter, the United States shall hold in trust exclusively for the Navajo Indian Tribe and as a part of the Navajo Indian Reservation the surface interests in and to the following described lands:

All of the lands within the Hopi Executive Order Reservation of December 16, 1882, except the lands described in section 2 of this Act and the exclusive Hopi Reservation as established by the decree of the United States District Court on September 28, 1962, in said case of Healing against Jones; containing nine hundred seventeen thousand eight hundred and fifteen acres, more or less.

Sec. 4. Partition of the surface of the lands described in sections 2 and 3 hereof shall not affect the existing status of the coal, oil, gas and all other minerals within or underlying said lands.

All coal, gas, oil and minerals of every kind, shall be managed jointly by the Hopi and Navajo Tribes, subject to such supervision and approval by the Secretary of the Interior or as otherwise required by law, and the proceeds therefrom shall be divided between the said tribes, share and share alike.

Sec. 5. Hereafter the United States shall hold in trust exclusively for the Hopi Indian Tribe and as a part of the Hopi Indian Reservation all right, title, and interest in and to the following described land which is a portion of the land described in the Act of June 14, 1934 (48 Stat. 960), on which the Hopi Tribe was located on the date of said Act and outside of the Hopi Executive Order Reservation:

Beginning at a point along the rim of Moencopi Plateau where the plateau meets the Navajo purchased land at approximately 5,000 feet elevation, said point being on the north boundary of section 9, township 29 north, range 11 east (projected);

thence northerly and northwesterly along the rim of Moencopi Plateau to a point on the projected section line between section 11 and section 12, township 31 north, range 10 east;

thence north along said section line to the center of Moencopi Wash;

thence up the center of Moencopi Wash to a point where it meets the west boundary of allotment No. 54;

thence south and east to the southeast corner of allotment 52;

thence north to the southwest corner of allotment numbered 50;

thence east and north around allotment numbered 50 to the northeast corner thereof;

thence west to the centerline of the highway;

thence northerly and easterly along the centerline of the highway to a point on the centerline of section 28, township 32 north, range 11 east;

thence north along the centerline of sections 28, 21, 16, 9 and 4, township 32 north, range 11 east, to the north quarter corner of said section 4;

thence east along the north lines of sections 4, 3, 2 and 1, township 32 north, range 11 east, to the northeast corner of said section 1, said corner being on the range line between ranges 11 and 12 east;

thence south along said range line to the center of Moencopi Wash;

thence up the center of Moencopi Wash to the west boundary of the Hopi Executive Order Reservation of December 16, 1882;

thence south along said west boundary to a point where a northeasterly extension of the Buck Pasture Fence would intersect said boundary;

thence southwesterly to Windmill numbered A-149;

thence westerly along the section line on the south boundary of section 6, township 29 north, range 12 east, and continuing along the section lines on the south boundary of sections 1, 2, 3, and 4, township 29 north, range 11 east, to the point of beginning.

Sec. 6. The Secretary of the Interior, hereinafter called the "Secretary", is hereby authorized to allot in severalty to individual Paiute Indians, not now members of the Navajo Indian Tribe, who are located within the area described in the said Act of June 14, 1934, and who were located within said area or are direct descendants of Paiute Indians who were located within said area on the date of said Act, land in quantities as specified in the Act of February 8, 1887 (24 Stat. 388), as amended, and patents shall be issued to them for such lands in the manner and with the restrictions as provided in sections 331, 343, and 349 of title 25, United States Code.

Sec. 7. Hereafter the United States shall hold in trust exclusively for the Navajo Indian Tribe and as a part of the Navajo Indian Reservation the lands described in the said Act of June 14, 1934, except the lands described in sections 2 and 5 hereof and the lands in the exclusive Hopi Indian Reservation commonly known as Land Management District 6, and further excepting those lands allotted pursuant to section 6 hereof.

Sec. 8. The Secretary is authorized and directed to remove all Navajo Indians and their personal property, including livestock, from the lands described in sections 2 and 5 of this Act. Such removal shall take place over a period of ten years with approximately 10 per centum of the Navajo occupants to be removed each year. No movement of Navajo Indians onto any of the lands described in section 2 and 5 of this Act or Land Management District 6 shall be lawful unless advance written approval of the Hopi Tribe is obtained. No Navajo Indian shall hereafter be allowed to increase the number of livestock he grazes on the areas described in sections 2 and 5 of this Act, nor shall he retain any grazing rights subsequent to his removal therefrom.

Sec. 9. The Secretary is authorized and directed to remove all Hopi Indians and their

personal property, including livestock, from the lands described in sections 3 and 7 of this Act. Such removal shall take place over a period of two years with approximately 50 per centum of the Hopi occupants to be removed each year. No movement of Hopi Indians onto any of the lands described in sections 3 and 7 of this Act shall be lawful unless advance written approval of the Navajo Tribe is obtained. No Hopi Indian shall hereafter be allowed to increase the number of livestock he grazes on the areas described in sections 3 and 7 of this Act, nor shall he retain any grazing rights subsequent to his removal therefrom.

Sec. 10. (a) Navajo Indians moved pursuant to section 8 of this Act shall be given priority for assignment of lands included within the Navajo Indian irrigation project. The Secretary in cooperation with the Navajo Tribal Council shall determine the size of parcels within the project to be assigned to such Indians as necessary to provide them with an economic base.

(b) Notwithstanding the provisions of section 3 of the Act of June 13, 1962 (76 Stat. 90), as amended by the Act of September 25, 1970 (80 Stat. 867), the Navajo Tribe shall not be required to pay the United States for any federally owned lands included within the Navajo Indian irrigation project which are assigned to Indians moved pursuant to this Act.

(c) The value of lands acquired by the Navajo Tribe in fee and included in the project as provided in section 3(b) of said 1962 Act which are assigned to Indians moved pursuant to this Act shall be credited against any sums the Navajo Tribe owes or may in the future owe to the United States under section 3 of said 1962 Act.

(d) The Secretary is hereby authorized to declare that any federally owned lands within the areas described in section 3(a) of said 1962 Act, as amended, not susceptible to irrigation and not needed for project works or canals are held in trust by the United States for the Navajo Tribe.

(e) The Secretary is also authorized to acquire by purchase, exchange, or condemnation, any non-Government lands within said areas which are not susceptible to irrigation and which are not needed for project works or canals. After acquisition, said lands shall be held in trust by the United States for the Navajo Tribe.

(f) The lands transferred to or acquired for the Navajo Tribe pursuant to (d) and (e) shall be available for assignment to Navajo Indians moved pursuant to section 8 of this Act who do not desire to locate on Navajo Indian irrigation project lands or who cannot be accommodated on such lands.

Sec. 11. Hopi Indians moved pursuant to section 9 of this Act shall be given priority to assignments of land within the areas vacated by Navajo Indians. The Secretary in cooperation with the Hopi Tribe Council shall determine the size of parcels necessary to provide resettled Hopi Indians with an economic base.

Sec. 12. (a) All Hopi and Navajo Indians moved pursuant to the provisions of this Act shall be considered "displaced persons," within the meaning of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894). For the purpose of determining payments due under that Act, such Indians shall be deemed to own the land on which their habitation is located.

(b) The United States shall purchase from each such Indian any habitation and other improvements owned by him on the area from which he is being moved. The purchase price shall be the fair market value of such improvements.

(c) In addition to the above payments, the Secretary shall pay to each Indian family moved pursuant to this Act the sum of \$3,000 for indeterminate expenses and personal hardship.

SEC. 13. The Navajo Tribe shall pay to the Hopi Tribe the fair rental value as determined by the Secretary for all Navajo Indian use of the lands described in sections 2 and 5 of this Act subsequent to the date of this Act.

SEC. 14. The Hopi Tribe shall pay to the Navajo Tribe the fair rental value as determined by the Secretary for all Hopi Indian use of the lands described in sections 3 and 7 of this Act subsequent to the date of this Act.

SEC. 15. The Navajo Tribe and the Hopi Tribe may each commence or defend in the United States District Court for the District of Arizona an action or actions against each other for the following purposes:

(a) For an accounting of all sums collected by the Navajo Indian Tribe since September 28, 1962, as trader license fees or commissions, lease rentals or proceeds or other similar charges for the doing of business or the use of lands within the Executive Order Reservation of December 16, 1882. The Hopi Indian Tribe shall be entitled to judgment for one half of all sums so collected, together with interest at the rate of 6 per centum per annum.

(b) For the determination and recovery of the fair value of the grazing and agricultural use by the Navajo Tribe and its individual members since the 28th day of September 1962, of the undivided one-half interest of the Hopi Tribe in the Executive Order Reservation of December 16, 1882, outside of Land Management District 6, together with interest at the rate of 6 per centum per annum.

(c) For the adjudication of any claims that either the Hopi or Navajo Tribe may have against the other for damages to the lands to which title was quieted by the United States District Court for the District of Arizona in said tribes, share and share alike, subject to the trust title of the United States, without interest. The claims shall be limited to occurrences since the establishment of grazing districts on said lands in the year 1936, pursuant to section 6 of the Act of June 18, 1934 (48 Stat. 984).

Neither laches nor the statute of limitations shall constitute a defense to any action authorized by this Act for existing claims if commenced within two years from the effective date of this Act.

SEC. 16. The Navajo or the Hopi Tribe may institute such further original, ancillary, or supplementary actions against the other tribe as may be necessary or desirable to insure the quiet and peaceful enjoyment of the reservation lands of said Hopi and Navajo Indians by said tribes and the members thereof, and to fully accomplish all objects and purposes of this Act. Such actions may be commenced in the United States District Court for the District of Arizona by either of said tribes against the other.

SEC. 17. The United States shall not be an indispensable party to any action or actions commenced pursuant to this Act. Any judgment or judgments by the court shall not be regarded as a claim or claims against the United States.

SEC. 18. All applicable provisional and final remedies and special proceedings provided for by the Federal Rules of Civil Procedure and all other remedies and processes available for the enforcement and collection of judgments in the district courts of the United States may be used in the enforcement and collection of judgments obtained pursuant to the provisions of this Act.

SEC. 19. The Secretary is hereby authorized and directed to accomplish the following:

(a) Survey and monument the boundaries of the Hopi Reservation as defined in sections 2 and 5 of this Act.

SEC. 20. There is hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

Mr. ASPINALL (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

COMMITTEE AMENDMENTS

Mr. ASPINALL. Mr. Chairman, inasmuch as the committee amendments are all interwoven and inter-related and have to do with clerical errors and the description of lands and since these matters were discussed during general debate, I ask unanimous consent that the committee amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 3, line 7, strike out "northwest" and insert "north".

Page 3, line 13, strike out "¼" and insert "4¼".

Page 5, strike all of lines 3 through 25 and insert in lieu thereof the following:

thence south 27 degrees 30 minutes east, 4.9 miles to the top of the rim at temporary BM at 6133 on USGS map White Cave Springs 25W;

thence due east 4.7 miles to the north boundary of the Black Mesa Slurry Pipeline right-of-way;

thence northeasterly 26,900 feet following the north boundary of pipeline right-of-way;

thence north 54 degrees 30 minutes east 18,000 feet to the junction of two major drainages from the north;

thence north 82 degrees east 4,700 feet to a pickup road, passing through temporary survey station 1617 T;

thence northeasterly 15,600 feet following said road to a point where road bears abruptly southeast;

thence northeasterly 21,700 feet following the divide east of Black Mesa Wash to a point on a road 1,300 feet southwest of station VCAB 1-75;

thence southeasterly following the divide through station 7037 T, 6895 T, and 6804 T to station 6047 A;

thence easterly following the divide and southerly through station 4-236 A to the Second Mesa—Kayenta road right-of-way; thence southerly 21 miles, following the east.

Page 6, lines 13 and 14, strike out "containing nine hundred and four thousand two hundred and sixty-five acres," and insert "the surface interests added to the Hopi Reservation containing nine hundred and five thousand one hundred acres."

Page 6, line 21, strike out "section 2" and insert "sections 2 and 21".

Page 6, lines 24 and 25, strike out "nine hundred seventeen thousand eight hundred and fifteen acres," and insert "nine hundred sixteen thousand nine hundred and eighty acres."

Page 7, strike out all of line 5 and insert in lieu thereof: "All such coal, oil, gas and all other minerals within or underlying said land shall be".

Page 7, line 7, strike out "such".

Page 7, line 8, strike out "or".

Page 7, line 18 through Page 9, line 13, strike out the present text and insert:

Beginning at a point on west boundary of Executive Order Reservation of 1882 where said boundary is intersected by R/W of U.S. Route 164;

thence south southwest along the center line of said Route 164, a distance of approximately 8 miles to a point where said centerline intersects the township line between Townships 32 and 33N, R. 12E;

thence west, a distance of approximately 9 miles, to the N corner of section 4, township 32N, R. 11E;

thence south, a distance of approximately 4¾ miles, following the centerlines of sections 4, 9, 16, 21 and 28 to a point where said centerlines intersect the R/W of U.S. Route 164;

thence southwesterly, following the centerline of U.S. Route 164, a distance of approximately 11 miles, to a point where said centerline intersects the R/W of U.S. Route 89;

thence southerly, following the centerline of U.S. Route 89, a distance of approximately 11 miles, to the south boundary of section 2, township 29N, R. 9E (unsurveyed);

thence east following the south boundaries of sections 2, and 1, township 29N, R. 9E, sections 6, 5, 4, etc., township 29N, R. 10E, and continuing along the same bearing to the northwest corner of section 12, township 29N, R. 11E (unsurveyed);

thence south, a distance of 1 mile to the southwest corner of section 12, township 29N, R. 11E (unsurveyed);

thence east, a distance of 1 mile to the northwest corner of section 18, township 29N, R. 12E (unsurveyed);

thence south, a distance of 1 mile, to the southwest corner of section 18, township 29N, R. 12E (unsurveyed);

thence east, a distance of approximately 9 miles, following the section lines, unsurveyed, on the north boundaries of sections 18, 17, 16, etc. in township 29N, R. 12E and continuing to a point where said section lines intersect the west boundary of Executive Order Reservation of 1882;

thence due north, along the west boundary of the Executive Order Reservation of 1882, a distance of approximately 27½ miles to the point of beginning; containing 208,600 acres, more or less.

Page 9, lines 24 and 25, after "sections" strike out the remainder of the sentence and insert in lieu thereof: "1, 5 and 6 of that Act, as amended."

Page 10, line 13, strike out "ten" and insert "five" and strike out "10" and insert "20".

Page 10, lines 14 through 17, strike out "No movement of Navajo Indians onto any of the lands described in sections 2 and 5 of this Act or Land Management District 6 shall be lawful" and insert "No further settlement of Navajo Indians on the lands described in sections 2 and 5 of this Act or Land Management District 6, shall be permitted".

Page 11, lines 2, 3, and 4, strike out "No movement of Hopi Indians onto any of the lands described in sections 3 and 7 of this Act shall be lawful" and insert "No further settlement of Hopi Indians on the lands described in sections 3 and 7 of this Act shall be permitted".

Page 11, line 10 through page 12, line 20, strike out all of section 10 and renumber the succeeding sections accordingly.

Page 13, lines 3 through 18, strike out all of section 12 and insert a new section 11 as follows:

SEC. 11. There is authorized to be appropriated to remain available until expended the sum of \$16,000,000, which the Secretary of the Interior shall expend as follows:

(a) If a majority of the Navajo heads of household being moved pursuant to this Act, who vote in a referendum conducted by the Secretary of the Interior, vote to use a part of the money appropriated to acquire land upon which all of the Navajo families being moved may be relocated if they so desire, the Secretary shall use for that purpose as much of the money as may be necessary. Title to the land acquired shall be taken by the United States in trust for the Navajo Tribe. The remainder of the money appropriated

shall be used, under regulations of the Secretary:

(1) to pay actual reasonable moving expenses of both Navajo and Hopi families who are being moved, and

(2) to pay the fair market value of any improvements left on the land from which a family is moved, and

(3) to pay the cost of a comparable replacement dwelling for each displaced family, reduced by the amount of any payment under paragraph (2).

(b) If the funds appropriated are not sufficient to pay all of the costs and expenses referred to in subsection (a), they shall be apportioned on an equitable basis pursuant to regulations of the Secretary. Appropriated funds in excess of the amount needed for such purposes shall be returned to the general fund of the Treasury.

(c) If a majority of those voting in the referendum provided for in subsection (a) do not favor the acquisition of Navajo tribal land for the relocation of all Navajo families being moved, the entire amount appropriated may be used for the purposes specified in subsections (a) (1), (2), and (3).

(d) No payment to or for the benefit of any one household under subsections (a) (1), (2), and (3) shall exceed \$15,000.

(e) Improvements left on the land from which a family is moved may be sold by the Secretary of the Interior to the tribe that owns the land on which the improvements are located, or to any member thereof, at not less than their fair market value.

Page 14, after line 2, insert a new section as follows:

Sec. 14. Nothing herein contained shall affect the title, possession, and enjoyment of the lands heretofore allotted to individual Hopi and Navajo Indians for which patents have been issued. Hopi Indians living on the Navajo Reservation shall be subject to the jurisdiction of the Navajo Tribe and Navajo Indians living on the Hopi Reservation shall be subject to the jurisdiction of the Hopi Indian Tribe.

Page 14, after line 2 and following the new section 14, insert the following new section:

Sec. 15. The Secretary of the Interior and his authorized representatives are hereby authorized and directed to immediately commence reduction of all the livestock now being grazed upon the lands within the joint-use-area of the 1882 Executive Order Reservation and complete such reductions to carrying capacity of said lands, as determined by the usual range capacity standards employed under title 25, Section 151.6 of the Code of Federal Regulations, within one year from the effective date of this Act.

Page 14, strike all of lines 3 through 8 and insert the following, renumbering the succeeding sections accordingly:

Sec. 16. The Hopi Tribe may commence an action or actions against the Navajo Tribe in the United States District Court for the District of Arizona for an accounting of all sums collected by the Navajo Tribe since September 17, 1951, as trader.

Page 14, Strike all of line 15 through page 15, line 9.

Page 15, line 18, strike out "other." and insert

other, acting through the Chairman of the respective tribal councils, for and on behalf of said tribes, including all villages, clans, and individual members thereof.

Page 16, lines 6 and 7, strike out "accomplish the following: (a) Survey" and insert in lieu thereof: "Survey".

Page 16, strike out lines 9 and 10.

Page 16, after line 10, add a new section as follows:

Sec. 21. 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 feet and 30 inches north lati-

tude and 110 degrees, 9 feet 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 feet, 30 inches north latitude line 500 feet west of its intersection with 110 degrees, 9 feet west longitude line, 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 said 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 said 2-miles radius shall be conserved for such religious purposes.

Page 16, line 12, strike out "such sums as are necessary" and insert "not to exceed \$18,000,000".

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. STEED, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11128), to authorize the partition of the surface rights in the joint use area of the 1882 Executive Order Hopi Reservation and the surface and subsurface rights in the 1934 Navajo Reservation between the Hopi and Navajo Tribes, to provide for allotments to certain Paiute Indians, and for other purposes, pursuant to House Resolution 1054, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid upon the table.

SELECTION OF ARCHITECTS AND ENGINEERS

Mr. BROOKS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12807) to amend the Federal Property and Administrative Services Act of 1949 in order to estab-

lish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. BROOKS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12807, with Mr. STEED in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. BROOKS) will be recognized for 30 minutes and the gentleman from Alabama (Mr. BUCHANAN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BROOKS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, in April 1967, the Comptroller General submitted an audit report to the Congress that was duly referred to the House Government Activities Subcommittee, which I serve as chairman, recommending that Congress clarify Federal procurement laws relating to the selection of architects and engineers. The Comptroller General, in his report, concluded that the traditional method of AE selection that had been used for some 30 years was of questionable legality, but that he would not impose his ruling on the departments and agencies until Congress had an opportunity to clarify the law.

The subcommittee made an extensive review of the Comptroller General's report and concluded that the traditional system of AE service procurement then in use in the Federal Government, as well as by practically everyone in private business and industry, constituted the best approach for Government agencies to take in acquiring these essential services.

Under this system, AE firms are ranked on the basis of their qualifications and experience to perform a particular project, and then fee negotiations are undertaken with the firm considered to be the most qualified. Based upon an evaluation of these proposed costs, if he refuses to agree to a fair and reasonable price, then these negotiations are canceled, to be taken up with the next most qualified individual or firm.

As there is no standard of performance available at the time of contract, this unique approach must be used to provide the Government with the highest quality plans and specifications. If routine contract negotiation procedures were used and the amount of the fee to be paid the AE firm discussed incident to the determination of qualifications, less responsible firms could quote a lower fee and have an advantage in obtaining the contract, and then make up for the reduction in fee by delivering lower quality plans and specifications to the Government.

More than 5 years have elapsed since the Comptroller General initially sub-