

the loss has been suffered, he shall reimburse the lender therefor: *Provided*, That the amount payable to the lender for a loss on any one loan shall not exceed 90 per centum of such loss: *Provided further*, That no reimbursement may be made for losses in excess of 15 per centum of the aggregate of insured loans made by the lender: *Provided further*, That before any reimbursement is made, all reasonable collection efforts shall have been exhausted by the lender and the security for the loan shall have been liquidated to the extent feasible, and the proceeds applied on the debt. Upon reimbursement, in whole or in part, to the lender, the note or judgment evidencing the debt shall be assigned to the United States, and the lender shall have no further claim against the borrower or the United States. The Secretary shall then take such further collection action as may be warranted, or may cancel the uncollectible portion of any debt assigned pursuant hereto. The Secretary may establish a date upon which accrual of interest or charges shall cease.

Sec. 213. Whenever the Secretary finds that any lender or holder of a guaranty certificate fails to maintain adequate accounting records, or to demonstrate proper ability to service adequately loans guaranteed or insured, or to exercise proper credit judgment, or has willfully or negligently engaged in practices otherwise detrimental to the interests of a borrower or of the United States, he may refuse, either temporarily or permanently, to guarantee or insure any further loans made by such lender or holder, and may bar such lender or holder from acquiring additional loans guaranteed or insured hereunder: *Provided*, That the Secretary shall not refuse to pay a valid guaranty or insurance claim on loans previously made in good faith.

Sec. 214. Any evidence of guaranty or insurance issued by the Secretary shall be conclusive evidence of the eligibility of the loan for guaranty or insurance under the provisions of this Act and the amount of such guaranty or insurance: *Provided*, That nothing in this section shall preclude the Secretary from establishing, as against the original lender, defenses based on fraud or material misrepresentation or bar him from establishing, by regulations in force at the date of such issuance or disbursement, which ever is the earlier, partial defenses to the amount payable on the guaranty or insurance.

Sec. 215. Title to any land purchased by a tribe or by an individual Indian with loans guaranteed or insured pursuant to this title may be taken in trust, unless the land is located outside the boundaries of a reservation or a tribal consolidation area approved by the Secretary. Title to any land purchased by a tribe or an individual Indian which is outside the boundaries of the reservation or approved consolidation area may be taken in trust if the purchaser was the owner of trust or restricted interests in the land before the purchase, otherwise title shall be taken in the name of the purchaser without any restriction on alienation, control, or use. Title to any personal property purchased with loans guaranteed or insured hereunder shall be taken in the name of the purchaser.

Sec. 216. The financial transactions of the Secretary incident to or arising out of the guarantee or insurance of loans, and the acquisition, management, and disposition of property, real, personal, or mixed, incident to such activities, shall be final and conclusive upon all officers of the Government. With respect to matters arising out of the guaranty or insurance program authorized by this title, and notwithstanding the provisions of any other laws, the Secretary may—

- (a) sue and be sued in his official capacity in any court of competent jurisdiction;
- (b) subject to the specific limitations in

this title, consent to the modification, with respect to the rate of interest, time of payment on principal or interest or any portion thereof, security, or any other provisions of any note, contract, mortgage, or other instrument securing a loan which has been guaranteed or insured hereunder;

(c) pay, or compromise, any claim on, or arising because of any loan guaranty or insurance;

(d) pay, compromise, waive, or release any right, title, claim, lien, or demand, however acquired, including, but not limited to, any equity or right of redemption;

(e) purchase at any sale, public or private, upon such terms and for such prices as he determines to be reasonable, and take title to property, real, personal, or mixed; and similarly sell, at public or private sale, exchange, assign, convey, or otherwise dispose of such property; and

(f) complete, administer, operate, obtain, and pay for insurance on, and maintain, renovate, repair, modernize, lease, or otherwise deal with any property acquired or held pursuant to the guaranty or insurance program authorized by this title.

Sec. 217. (a) There is hereby created an Indian Loan Guaranty and Insurance Fund (hereinafter referred to as the "fund") which shall be available to the Secretary as a revolving fund without fiscal year limitation for carrying out the provisions of this title. There are authorized to be appropriated to the Secretary to carry out the purposes of the fund and the purposes of section 301 of this Act not to exceed \$10,000,000 in each of the fiscal years 1974, 1975, and 1976.

(b) The Secretary may use the fund for the purpose of fulfilling the obligations with respect to loans guaranteed or insured under this title, but the aggregate of such loans which are insured or guaranteed by the Secretary shall be limited to \$200,000,000 as authorized in appropriation Acts.

(c) All funds, claims, notes, mortgages, contracts, and property acquired by the Secretary under this section, and all collections and proceeds therefrom, shall constitute assets of the fund; and all liabilities and obligations of such assets shall be liabilities and obligations of the fund. The Secretary is authorized to make agreements with respect to servicing loans held, guaranteed, or insured by him under this title and purchasing such guaranteed or insured loans on such terms and conditions as he may prescribe.

(d) The Secretary may also utilize the fund to pay taxes, insurance, prior liens, expenses necessary to make fiscal adjustments in connection with the application and transmittal of collections, and other expenses and advances to protect the Secretary for loans which are guaranteed or insured under this title or held by the Secretary, to acquire such security property at foreclosure sale or otherwise, and to pay administrative expenses.

Sec. 218. The Secretary shall promulgate rules and regulations to carry out the provisions of this title.

TITLE III—INTEREST SUBSIDIES AND ADMINISTRATIVE EXPENSES

Sec. 301. The Secretary is authorized under such rules and regulations as he may prescribe to pay as an interest subsidy on loans which are guaranteed or issued under the provisions of title II of this Act amounts which are necessary to reduce the rate payable by the borrower to the rate determined under section 104 of this Act.

Sec. 302. There are authorized to be appropriated to the Secretary (a) to carry out the provisions of section 217 and 301 of this Act, such sums to remain available until expended, and (b) for administrative expenses under this Act not to exceed \$10,000,000 in each of the fiscal years 1974, 1975, and 1976.

TITLE IV—INDIAN BUSINESS GRANTS

Sec. 401. There is established within the Department of the Interior the Indian Business Development Program whose purpose is to stimulate and increase Indian entrepreneurship and employment by providing equity capital through nonreimbursable grants made by the Secretary of the Interior to Indians and Indian tribes to establish and expand profitmaking Indian-owned economic enterprises on or near reservations.

Sec. 402. No grant in excess of \$50,000, or such lower amount as the Secretary may determine to be appropriate, may be made to an Indian or Indian tribe, band, group, pueblo, or community recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs. A grant may be made only to an applicant who, in the opinion of the Secretary, is unable to obtain adequate financing for its economic enterprise from other sources, including its own financial resources, except that no grant may be made to an applicant who is unable to obtain at least 60 per centum of the necessary funds for the economic enterprise from other sources.

Sec. 403. There are authorized to be appropriated not to exceed the sum of \$10,000,000 for each of the fiscal years 1974, 1975, and 1976 for the purposes of this title.

Sec. 404. The Secretary of the Interior is authorized to prescribe such rules and regulations as may be necessary to carry out the purposes of this Act.

AMENDMENT OFFERED BY MR. MEEDS

Mr. MEEDS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEEDS: Strike out all after the enacting clause in S. 1341 and insert in lieu thereof the provisions of H.R. 6371, as passed by the House.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 6371) was laid on the table.

GENERAL LEAVE

Mr. MEEDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

AUTHORIZING PARTITION OF SURFACE RIGHTS AND SUBSURFACE RIGHTS IN THE 1934 NAVAJO RESERVATION BETWEEN THE HOPI AND NAVAJO TRIBES, AND PROVIDING FOR ALLOTMENTS TO CERTAIN PAIUTE INDIANS

Mr. MEEDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10337) 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, as amended.

The Clerk read as follows:

H.R. 10337

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 for the District of Arizona 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), hereinafter referred to as the joint-use area, shall be partitioned in kind as provided in this Act.

Sec. 2. The United States District Court for the District of Arizona in the supplemental proceedings in Healing against Jones is hereby authorized to partition in kind the surface of the joint-use area between the Hopi and Navajo Indian Tribes share and share alike using the following criteria in establishing the boundary line between said tribes:

(a) The Navajo portion shall be contiguous to that portion of the 1934 Navajo Indian Reservation as defined in section 9 of this Act.

(b) The Hopi portion shall be contiguous to the exclusive Hopi Indian Reservation as established by the court in Healing against Jones, hereinafter referred to as Land Management District 6, and shall adjoin that portion of the 1934 Navajo Indian Reservation as partitioned to the Hopi Tribe in section 7 of this Act.

(c) The partition shall be established so as to include the high Navajo population density within the portion partitioned to the Navajo Tribe to avoid undue social, economic, and cultural disruption insofar as reasonably practicable.

(d) The lands partitioned to the Hopi and Navajo Tribes shall be equal in average insofar as reasonably practicable.

(e) The lands partitioned to the Hopi and Navajo Tribes shall be equal in quality and carrying capacity insofar as reasonably practicable.

(f) The boundary line between the Hopi and Navajo Tribes as delineated pursuant to this Act shall follow terrain so as to avoid or facilitate fencing insofar as reasonably practicable.

(g) In any division of the surface rights to the 1882 joint-use area, reasonable provision shall be made for the use and right of access to identified religious shrines of either party on the portion allocated to the party.

Sec. 3. The partition proceedings as authorized in section 2 hereof shall be assigned for hearing at the earliest possible date, shall take precedence over all other matters pending on the docket of the district court at that time and shall be expedited in every way by such court.

Sec. 4. The lands partitioned to the Navajo Tribe pursuant to section 2 hereof shall be held in trust by the United States exclusively for the Navajo Tribe and as a part of the Navajo Indian Reservation.

Sec. 5. The lands partitioned to the Hopi Tribe pursuant to section 2 hereof shall be held in trust by the United States exclusively for the Hopi Tribe and as a part of the Hopi Indian Reservation.

Sec. 6. Partition of the surface of the lands of the joint-use area shall not affect the joint ownership status of the coal, oil, gas, and all other minerals within or underlying said lands. All such coal, oil, gas, and all other minerals within or underlying said lands shall be managed jointly by the Hopi and Navajo Tribes, subject to supervision and approval by the Secretary of the Interior as otherwise required by law, and the proceeds therefrom shall be divided between the said tribes, share and share alike.

Sec. 7. 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):

Beginning at a point on west boundary of Executive Order Reservation of 1882 where said boundary is intersected by right-of-way of United States Route 160;

thence south southwest along the centerline of said Route 160, a distance of approximately 8 miles to a point where said centerline intersects the township line between townships 32 and 33 north, range 12 east;

thence west, a distance of approximately 9 miles, to the north quarter corner of section 4, township 32 north, range 11 east;

thence south, a distance of approximately 4¾ miles following the centerlines of sections 4, 9, 16, 21, and 28 to a point where said boundary intersects the right-of-way of United States Route 160;

thence southwesterly, following the centerline of United States Route 160, a distance of approximately 11 miles, to a point where said centerline intersects the right-of-way of United States Route 89;

thence southwesterly, following the centerline of State Route 89, a distance of approximately 11 miles, to the south boundary of section 2, township 29 north, range 9 east (unsurveyed);

thence east following the south boundaries of sections 2 and 1, township 29 north, range 9 east, sections 6, 5, 4, and so forth, township 29 north, range 10 east, and continuing along the same bearing to the northwest corner of section 12, township 29 north, range 11 east (unsurveyed);

thence south, a distance of 1 mile to the southwest corner of section 12, township 29 north, range 11 east (unsurveyed);

thence east, a distance of 1 mile to the northwest corner of section 18, township 29 north, range 12 east (unsurveyed);

thence south, a distance of 1 mile, to the southwest corner of section 18, township 29 north, range 12 east (unsurveyed);

thence east, a distance of approximately 9 miles, following the section lines, unsurveyed, on the south boundaries of sections 18, 17, 16, and so forth in township 29 north, range 12 east 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.

Sec. 8. The Secretary of the Interior 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 June 14, 1934, 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 1, 5, and 6 of that Act, as amended.

Sec. 9. 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 partitioned to the Hopi Tribe pursuant to section 2 hereof and the lands as described in section 7 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 8 hereof.

Sec. 10. The Secretary of the Interior is authorized and directed to remove all Navajo Indians and their personal property, includ-

ing livestock, from the lands partitioned to the Hopi Tribe pursuant to section 2 hereof and as described in section 7 of this Act. Such removal shall take place over a period of five years from the date of final partition by the court referred to in section 2 with approximately 20 per centum of the Navajo occupants to be removed each year. No further settlement of Navajo Indians on the lands partitioned to the Hopi Tribe pursuant to section 2 hereof and as described in section 7 of this Act or Land Management District 6, shall be permitted 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 so partitioned to the Hopi Tribe pursuant to section 2 hereof and as described in section 7 of this Act, nor shall he retain any grazing rights in those areas subsequent to his removal therefrom.

Sec. 11. The Secretary of the Interior is authorized and directed to remove all Hopi Indians and their personal property, including livestock, from the lands so partitioned to the Navajo Tribe pursuant to section 2 hereof and as described in section 9 of this Act. Such removal shall take place over a period of two years from the date of final partition by the court referred to in section 2 with approximately 50 per centum of the Hopi occupants to be removed each year. No further settlement of Hopi Indians on the lands so partitioned to the Navajo Tribe pursuant to section 2 hereof and as described in section 9 of this Act shall be permitted 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 so partitioned to the Navajo Tribe pursuant to section 2 hereof and as described in section 9 of this Act, nor shall he retain any grazing rights in those areas subsequent to his removal therefrom.

Sec. 12. (a) The United States shall purchase from the head of each Navajo and Hopi household who is required to relocate under the terms of this Act the habitation and other improvements owned by him on the area from which he is required to move. The purchase price shall be the fair market value of such habitation and improvements.

(b) In addition to the payments made pursuant to subsection (a), the Secretary shall:

(1) reimburse each head of a household whose family is moved pursuant to this Act for his actual reasonable moving expenses as if he were a displaced person under section 202 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894);

(2) pay to each head of a household whose family is moved pursuant to this Act an amount which, when added to the fair market value of the habitation and improvements purchased under subsection (a), equals the reasonable cost of a decent, safe, and sanitary replacement dwelling adequate to accommodate such displaced household: *Provided*, That the additional payment authorized by this paragraph (2) shall not exceed \$15,000 for a household of three or less and not more than \$20,000 for a household of four or more: *Provided further*, That the additional payment authorized by this subsection shall be made only to a displaced person who purchases and occupies such replacement dwelling not later than the end of the one-year period beginning on the date on which he receives from the Secretary final payment for the habitation and improvements purchased under subsection (a), or on the date on which he moves from such habitation whichever is the later date. Nothing in this subsection shall require a displaced person to occupy a dwelling with a higher degree of safety and sanitation than he desires.

(c) In implementing subsections (b)(1) and (b)(2) of this section, the Secretary shall establish standards consistent with

those established in the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(d) The Secretary is authorized to dispose of dwellings and other improvements acquired pursuant to this Act in such manner as he sees fit, including resale of such improvements to members of the tribe exercising jurisdiction over the area at prices no higher than their acquisition costs.

SEC. 13. The Navajo Tribe shall pay to the Hopi Tribe the fair rental value as determined by the Secretary of the Interior for all Navajo Indian use of the lands referred to in section 5 and described in section 7 of this Act subsequent to the date of the partition thereof.

SEC. 14. The Hopi Tribe shall pay to the Navajo Tribe the fair rental value as determined by the Secretary of the Interior for all Hopi Indian use of the lands referred to in section 4 and described in section 9 of this Act subsequent to the date of the partition thereof.

SEC. 15. Nothing herein contained shall affect the title, possession, and enjoyment of 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.

SEC. 16. The Navajo Indian Tribe and the Hopi Indian Tribe, acting through the chairman of their respective tribal councils, for and on behalf of said tribes, including all villages, clans, and individual members thereof, are hereby authorized to 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 said Navajo Indian Tribe since the 17th day of September 1957 as trader license fees or commissions, lease proceeds or other similar charges for the doing of business or the use of lands within the Executive Order Reservation of December 16, 1882, and judgment for one-half of all sums so collected, and not paid to the Hopi Tribe, together with interest at the rate of 6 per centum per annum compounded annually.

(b) For the determination and recovery of the fair value of the grazing and agricultural use by said 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 lands on said day decreed to said Hopi and Navajo Tribes equally and undivided as a joint-use area, together with interest at the rate of 6 per centum per annum compounded annually, notwithstanding the fact that said tribes are tenants in common of said lands.

(c) For the adjudication of any claims that either said Hopi or Navajo Tribe may have against the other for damages to the lands to which title was quieted as aforesaid 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, notwithstanding the fact that said tribes are tenants in common of said lands. Said claims shall, however, 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. 17. The Navajo Tribe or the Hopi Tribe may institute such further original ancillary, or supplementary actions against the other tribe as may be necessary or desirable to in-

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

SEC. 18. 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. 19. 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. 20. The Secretary of the Interior is hereby authorized and directed to survey and monument the boundaries of the Hopi Indian Reservation as defined in sections 5 and 7 of this Act.

SEC. 21. The members of the Hopi Indian Tribe shall have perpetual use of Cliff Spring as shown on USGS 7½ minute Quad named Toh Ne Zhonnie Spring, Arizona, Navajo County, dated 1968; and located 1,250 feet west and 200 feet south of the intersection of 36 degrees, 17 minutes, 30 seconds north latitude and 110 degrees, 9 minutes west longitude, as a shrine for religious ceremonial purposes, together with the right to gather branches of fir trees growing within a 2-mile radius of said spring for use in such religious ceremonies, and the further right of ingress, egress, and regress between the Hopi Reservation and said spring. The Hopi Tribe is hereby authorized to fence said spring upon the boundary lines as follows:

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

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

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

thence south 46 degrees east, 600 feet;

thence north 38 degrees east, 1,300 feet to the point of beginning, 23.8 acres more or less: *Provided*, That if and when 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-mile radius shall be conserved for such religious purposes.

SEC. 22. Notwithstanding anything contained in this Act to the contrary, the Secretary of the Interior shall make reasonable provision for the use and right of access to identified religious shrines of the Navajo and Hopi Indians for the members of each tribe on the reservation of the other tribe.

SEC. 23. If any provision of this Act, or the application of any provision to any person, entity or circumstance, is held invalid, the remainder of this Act shall not be affected thereby.

SEC. 24. (a) For the purpose of carrying out the provisions of section 12 of this Act, there is hereby authorized to be appropriated not to exceed \$28,800,000.

(b) For the purpose of carrying out the provisions of section 20 of this Act, there is hereby authorized to be appropriated not to exceed \$300,000.

The SPEAKER. Is a second demanded? Mr. REGULA. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. MEEDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will say to the Members of the House that this legislation today encompasses a legislative settlement of perhaps the largest and the most vexing title quiet action in the western United States, perhaps of all time. It consists of a dispute between the Hopi Indians and the Navajo Indians, and it presents us with a conflict in lifestyles.

The Hopis were located in the area which we see here on this map in white, in the middle of this map, since probably before the year 1300. At least we have records dating back to that era.

They lived in villages at the tops of mesas. They tended fields at the bottoms of the mesa and kept some small flocks. However, generally the Hopis were and are today village people. They lived in a village-based economy. They did not use very much of the land surrounding the area, and there are probably 6,000 Hopis in the various Hopi villages today in the disputed area.

The Navajo Indians, on the other hand, were a seminomadic, herd-grazing group which largely stayed in family groups or small community groups.

They roved extensively tending their sheep and their horses and would move from time to time. They are the largest, tribe of Indians in the entire United States, about 130,000 strong. Because of their population and nomadic habits, they occupied vast areas in the Southwest at approximately the same time as the Hopis did. They occupied areas completely surrounding the Hopi and the reservation today still does surround the Hopi in the middle of this map.

Also, because of their nomadic habits, they encroached on and moved into the middle of this area.

In 1882, this area outlined in orange was set aside by Executive order for the Hopi Indians and "such other Indians as the Secretary of the Interior may see fit to settle thereon." They set aside some 2,472,095 acres for that purpose. At that time there were approximately 300 Navajos residing within this area which was set aside. However, again because of the nomadic habits of the Navajo and their size and because the Hopis were not utilizing much land other than that immediately around their village, the Navajos continued to encroach on this land even within the 1882 set-aside area.

The Secretary of the Interior, who was charged with the responsibility, should have acted at that time to keep the Navajo from moving in, but did not. Friction between the two tribes increased until 1958 when, at the urging of the Hopis, the Congress passed legislation authorizing a three-judge district court to adjudicate the conflicting claims existing between the Navajos and the Hopis. The result of that act brought us the case of Healing against Jones which was

handed down in 1962 and which generally held five major things:

One was that neither tribe had a vested right in the Executive order land until the passage of the 1958 act because it was an unconfirmed executive reservation and it did not vest rights at that time. When the Congress passed the Jurisdictional Act in 1958 it did confer vested title in these two tribes. Second, by the 1943 action of the administration establishing this area outlined in white called Grazing District 6, the administration conferred exclusive use in that land in the Hopis. Trust title in land would be in the Federal Government for the benefit of the Hopi Indians.

Third, because of other executive actions and inactions, the Secretary of the Interior had impliedly settled the Navajos throughout this area with the exception of district 6. Fourth, the courts then decided that the two tribes had a joint, undivided, and equal interest in the entire 1882 area with the exception of district 6.

Finally the court held that the jurisdictional act of 1958 did not confer jurisdiction on the court to partition these lands, and thus each tribe had a joint, undivided, and equal interest in everything outside of the white and inside of the orange on the map. This is the course which brought us to the problem.

When the court said it did not have jurisdiction to partition, thereafter action was sought in the Congress, and in 1971 the House passed the Steiger bill.

The Steiger bill would have given trust title, to district 6 and to 905,000 acres within the 1882 land which is here outlined in blue to the Hopis. It would have given trust title to the Navajo to 917,000 acres, of the disputed 1882 land here outlined in orange. Additionally, that bill would have given the Hopis trust title to some 243,000 acres over here, outlined in green, which is known as the Moencopi area. I will cover that right now.

This Moencopi area is part of an area described in a 1934 act of Congress defining and enlarging the boundaries of the Navajo reservation in Arizona in which there were some Hopis also residing.

Actually, they were residing, as is their habit, in a village called Moencopi here, and there were few outside of that village. The language of the bill passed by the Congress was a little bit different than that under which the 1882 area was set up.

This 1934 area was set aside as a reservation for the Navajos "and such other Indians as may already be located thereon." Thus you will notice that that language is contemporaneous, in other words, for those who were there then. The 1882 language, "for such other Indians as the Secretary may see fit to settle thereon," was prospective.

The Navajo contend that there are only about 35,000 acres in the Moencopi area, under this contemporaneous language, that should go to the Hopi.

Some of the other matters covered by the Steiger bill that the Navajos who were residing within what is here the blue area, would be required to move in

5 years. Any Hopis that were residing in the area as encompassed by the orange would be required to move in 2 years. They were both to be compensated for their moving expenses. And the tribes were to administer the subsurface rights jointly. They have been doing that since and it apparently is working out well.

The House passed the Steiger bill in 1971, but the same type of legislation died in the Senate in the 92d Congress, and thus this matter was not resolved in the 92d Congress.

In the 93d Congress we have had some hearings on this matter. We visited the area. We had a markup at which the bill which we are presently considering today was presented to the subcommittee, and passed as a substitute for the Steiger bill which I have explained heretofore.

The Owens bill, the bill we have before us today, passed the full committee on a voice vote, after the failure of a substitute to carry, on a 20-to-20 tie vote. So it comes here somewhat embattled, but nevertheless a solution to this problem. It differs from the Steiger bill, which I described, insofar as it confers jurisdiction on the district court of Arizona to partition the 1882 joint use area. In other words, it is a supplemental proceeding to Healing versus Jones. Under the bill the court partitions according to certain criteria. These criteria are said by some to dictate the Steiger division which give to the Hopi all the lands in the white, the blue, and the green with the remainder to the Navajos. I do not believe this will necessarily result nor do I believe one can say that for a certainty. Additionally, the Owens bill directly partitions 243,400 acres in the Moencopi area to the Hopi. It does not give the court jurisdiction to consider that problem.

It provides for moving the Navajo from lands partitioned to the Hopi within 5 years and the Hopi from Navajo lands in 2 years. It provides \$28 million for relocation expenses. It provides for accounting and other matters pending between the two groups.

Mr. Speaker, this is a complicated and deeply emotional issue to both tribes. The affection of Indian people for what they consider to be their own land can be compared to the zest of the crusaders magnified many times. Because of the failure of this Government for many years to make some tough decisions, both tribes consider much of the land in question to be theirs. It is our unfortunate lot to have to make those tough decisions that have thus far been avoided. They cannot be made now without serious and painful results, but time will only increase the seriousness and exacerbate the ultimate trauma which will come from the decisions.

I should have preferred a different method of settling this matter, but a majority of the committee has voted this one. The most important thing is that something be done and be done now.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. I yield to the distinguished gentleman from Florida.

Mr. HALEY. I thank the gentleman for yielding.

Mr. Speaker, a similar bill to the bill at the desk was passed in the 92d Congress. Therefore, dispute over land has been going on for many, many years. It has been sometimes very bitter between the two tribes. I think that this bill will solve all of that problem. At least we will have more or less a guideline as to how the matter should be handled in the future, as the gentleman from Washington (Mr. MEEDS) said. I want to compliment him, Mr. Speaker, on the fine job that he has done here, which is his usual good job.

Mr. Speaker, H.R. 10337 partitions between the Navajo and Hopi Tribes some reservation land in which the two tribes have an undivided, joint, and equal interest.

It provides a legislative solution to a longstanding and highly emotional dispute between the Navajos and the Hopis.

This bill is before the House today because the Secretaries of 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.

A bill almost identical to H.R. 10337 was passed by the House in the 92d Congress but was not approved by the Senate.

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 seminomadic 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 already located thereon. Hopi Indians were then living in the villages of Moencopi 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 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 lands, 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 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. The bill authorizes the appropriation of \$28.8 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 approximately 234,400 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.

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. YATES. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

Mr. Speaker, I have received some mail on the subject, surprisingly, inasmuch as my district is located so far from there, but there are several people in my district who are interested in it. They raise an objection to the bill on the ground that it would have been preferable first to have had a survey by the Geological Survey as to the number of wells that are in the area and as to the

number of other resources that are in the area, prior to bringing this bill to the floor. Can the gentleman shed some light on that?

Mr. MEEDS. It is clearly possible for the court to do this under the guidelines which have been laid down in the Owens bill. I am sure that a court will give consideration to this in making any kind of provision.

Mr. YATES. Is the whole controversy thrown into the court, then?

Mr. MEEDS. Yes.

Mr. YATES. Is the court to make the total adjudication?

Mr. MEEDS. No. The court is to make a partition now in supplementary proceedings to its original proceedings under certain guidelines. It is said the guidelines dictate the boundaries which I have described here, but I do not think we can say that for certain. There is some indication that is true, but I do not think we can say that for sure.

Mr. Speaker, I reserve the balance of my time.

Mr. REGULA. Mr. Speaker, I yield myself so much time as I may require.

Mr. Speaker, I agree with the thoughtful comments of my distinguished and experienced colleague, the chairman of the Subcommittee on Indian Affairs. I am pleased as the ranking member of the minority to join him in support of this bill to protect the rights of a minority Indian tribe, the Hopis. Passage of this bill would achieve justice for a tribe being overwhelmed by the superior numbers of the Navajo Tribe.

Mr. Speaker, this bill concerns a problem that has dragged on for nearly 100 years and badly needs a solution. Unless Congress provides that solution, there will certainly be more violence between the Hopi and Navajo Tribes.

Violence and bloodshed have already occurred, and my only interest as a member of the Indian Affairs Subcommittee is in achieving a fair and equitable arrangement that will settle the argument over this land.

The bill before us is a modified version of a bill that passed this House in 1972 as H.R. 11128. That bill died in the other body. The Senator from Arizona (Mr. GOLDWATER) testified in the House hearings in support of this bill during this session. I believe we have before us the most viable, workable, and passable bill that we can get on this thorny issue.

The gentleman from Florida and the gentleman from Washington have very ably described the bill in detail. I would only add, Mr. Speaker, that time is of the essence and we should resolve this matter promptly if justice is to be achieved for the Hopi Tribe.

The basic facts are clear. The Navajos use almost 100 percent of the disputed land even though the courts have ruled that 50 percent belongs to the Hopis.

But the Navajos, a stronger more aggressive tribe, will not permit the Hopis to use or occupy their 50 percent. This bill if passed by Congress directs the same court that awarded 50 percent of the land to the Hopis in law to now go one step further and award 50 percent to the Hopis in fact.

Legal title without the ability to use

or to occupy the land is no ownership. The Hopis obtained a court order that instructed the Navajos to grant them the use and occupancy to which they are legally entitled. That court order is difficult to implement because it does not spell out specific boundaries. This bill directs the court to establish those boundaries and it goes one step farther: It sets forth clear guidelines that the court must follow in establishing those boundaries.

The guidelines were well thought out in subcommittee and in committee. They do all that is humanly possible to avoid disruption of Navajo homes and moving large numbers of Navajo people.

The bill does not suggest that the court avoid large concentrations of Navajo people in drawing the boundary lines. It orders the court to avoid large concentrations of Navajo people.

If I have any reservation about this bill, Mr. Speaker, it would be with the fact that the bill does not spell out precisely where the displaced Navajo families should be located. However, I would point out that none of our laws on illegal occupancy contain any such provisions.

This bill recognizes that certain Navajos are illegally occupying land that belongs to the Hopis and it orders them to vacate that land. This is precisely what a court would do if any individual illegally occupied land belonging to another. In recognition of the Federal Government's unique relationship with and responsibility for Indian people, this bill does for the Navajos what no court would normally ever do for an individual in the same circumstances: It orders the Federal Government to pay not only the moving expenses but also the cost of relocating and building new homes for these people.

The fact that all mineral royalties received from the land jointly owned by the Navajos and Hopis have been divided equally between the two tribes without objection by the Navajos is a de facto recognition by the Navajos that ownership between the tribes is on a 50-50 basis and yet the Navajos are presently depriving the Hopis of their surface rights.

Mr. Speaker, far from being harsh and unhumanitarian toward the Navajos, this bill is extremely generous. It is a fair bill and a humanitarian bill, a just bill and a very necessary bill if we are to settle this intertribal matter without further violence between the tribes. I urge my colleagues to support its passage.

The SPEAKER. The gentleman consumed 5 minutes.

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

Mr. LUJAN. Mr. Speaker, I thank the ranking minority member for yielding this time to me.

I rise in opposition, Mr. Speaker, to this legislation for several reasons, reasons which are valid and reasons which in my estimation are overriding.

Mr. Speaker, it is true that this bill seeks to solve a problem that has existed for over 100 years. It is true that there have been confrontations between the

Hopis and the Navajos, and the sponsors point out these confrontations over the years. They tell us we must do something in order to avoid violence, but let me tell the Members, Mr. Speaker, what we are about to do.

We are not avoiding violence. We are not avoiding confrontation. We are setting the stage for a confrontation, not between the Hopis and the Navajos, but between the Navajos and the United States Army or the National Guard, or whoever it may be.

Mr. Speaker, this bill says that we will forcibly remove, if necessary, from 6,000 to 8,000 Navajos from the place where they live. We would not do this except in an Indian reservation. No one in this whole House would vote to move 6,000 or 7,000 people from their homes.

Mr. Speaker, I say that it will lead to a confrontation between the Armed Forces of this country and the Navajos. Some have said, "You are really, really getting dramatic over this issue."

But, Mr. Speaker, let me point out that I sent out a "Dear Colleague" to the Members. In it were some newspaper articles that appeared in my hometown newspaper, the Albuquerque Tribune, in which several people are quoted, several Navajos are quoted, as saying, "I won't move from here if it costs me my life."

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. Mr. Speaker, I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I read the gentleman's very interesting and persuasive letter. The gentleman spoke about the fact that 6,000 to 8,000 Navajos would have to be moved. As I understand it, are they not occupying Hopi territory and land in dispute? That question depends upon a determination of the dispute by the courts, does it not, as to whether they have to move?

Mr. LUJAN. Mr. Speaker, they are not occupying Hopi territory. They are occupying what has been termed as joint-use land.

Mr. YATES. Will that not be determined by the court?

Mr. LUJAN. The court has determined that it is joint-use land. The court has determined that a line has to be drawn and those occupants be thrown out.

Mr. YATES. Does not the court have the jurisdiction to determine whether or not they should be dispossessed by future decree, or is that already determined?

Mr. LUJAN. No, according to this legislation the major authority the court has is to draw that line, so that the line would be divided more or less in a 50-50 proposition. The court, according to this legislation, must draw the line. Regardless of where they draw the line, some 6,000 to 8,000 Navajos will have to be displaced.

Mr. CONLAN. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. Mr. Speaker, I yield to the gentleman from Arizona.

Mr. CONLAN. Mr. Speaker, I would like to rise in support of the gentleman from New Mexico and express my agreement with him.

Mr. Speaker, I rise in opposition to this bill, H.R. 10337, the Hopi-Navajo Land Partition.

We are confronted today with a unique problem. This legislation is an attempt on the part of Congress to correct a situation which exists as a result of Government inefficiency and mistakes over the past century. The central point of the dispute is which tribe, the Hopi or Navajo, is entitled to ownership and use of approximately 1.8 million acres of land in a joint-use area previously created by Congress.

Many solutions to this conflict have surfaced from time to time but none has yet been considered effective. Mr. Speaker, I am concerned today that this bill, with its awesome repercussions, is being brought to the House floor under suspension. If Congress is to face this problem and attempt to force a solution in favor of one side or the other, then the entire range of solutions should be open to the membership. Amendments and full discussion should be permitted.

I understand that in a vote by the full Interior Committee on a substitute bill, the result was a 20-20 tie and the substitute failed to pass. Mr. Speaker, this is a further indication to me that feelings on this bill are such that it should be defeated as a suspension.

The administration and the Department of the Interior are also opposed to this solution since it would require the United States to physically relocate an estimated 7,000 or 8,000 Navajos from lands on which they and their ancestors have resided for years.

Mr. Speaker, efforts are underway in Arizona to resolve this dispute by negotiation by the parties, and cases are pending in the Federal courts. Much time and effort has gone into working out solutions. It seems to me that this body should not gloss over these efforts by hasty legislative action which does not face the realities of life in that area of Arizona. Again, I urge defeat of this bill.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. Mr. Speaker, I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, what percentage of the land is presently occupied by the Navajos?

Mr. LUJAN. All of it.

Mr. REGULA. Is it not a fact that 50 percent of it belongs to the Hopis?

Mr. LUJAN. An undivided 50 percent, that is correct, at the present time.

Mr. Speaker, that really is the overriding point, the fact that we will have to go in there and move from 6,000 to 8,000 people, forcibly remove them; many of them have lived there throughout their lives.

There are other considerations to be taken into account. We are making the Navajos pay with this suffering because the Bureau of Indian Affairs and the Department of the Interior have not lived up to their responsibilities. It was the responsibility of the Department to see that the land area was equitably divided so that not too many Navajos moved in or too many Hopis. The fact of the matter is that there are 120,000 Navajos to 6,000 Hopis, and it is natural that they are going to have more Navajos in there.

Mr. Speaker, let me also say that while we are saying that we are going to move them out of there, we have no provisions

as to where we are going to move them to. As a matter of fact, Mr. Speaker, there is no place.

The SPEAKER. The time of the gentle from New Mexico has expired.

Mr. REGULA. Mr. Speaker, I yield 2 additional minutes to the gentleman from New Mexico.

Mr. LUJAN. Mr. Speaker, as a matter of fact, there is no place for them to move. If any Member in this Chamber is acquainted with the Navajo Reservation, he will know that it is poor land that was given to them because nobody else wanted it, so there is no place for the 6,000 to 8,000 people to go.

Quickly, Mr. Speaker, there is another area in the green area over here, the Moencopi area. The Department of the Interior has said that there are some serious possible constitutional problems and we will leave the issue open for lawsuits which could cost millions of dollars. If I get more time, I will go into that in greater detail.

In committee, the chairman of the committee made a proposal as an alternate solution.

It was defeated by a 20 to 20 vote. So let us not kid ourselves that the whole committee is supporting this.

Mr. Speaker, let me say one other thing: Under the proposal I have promulgated, the Navajos would buy from the Hopis, and they would pay for it. Under this bill, it says that we will let the Federal Government pay the bill for \$29 million; under the proposal I have offered, it would not cost the Federal Government a dime, except just for administration purposes. Basically it would cost something like \$100,000 or \$200,000.

For those reasons, primarily, Mr. Speaker, I really feel badly about this bill. It would be so much easier to just say, "Let us solve the problem," but let us not solve it at the price of the heart-break of all the Navajos.

Mr. Speaker, this is a really terrible bill. I do not think we have had a piece of legislation come before this body that is as bad as this particular legislation.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Speaker, as has been explained, there are almost 2 million acres of property in which these two tribes originally had some joint use. They cannot get along and the situation has worsened over the years. And, as has been explained, through some legislation and the results of some court cases the situation finally got down to a point where the real estate is going to have to be roughly divided so that one of the tribes will get about half of it, and the other will get about half of it.

Obviously, that means somebody is going to have to move, and that is a tough situation.

But, after all, that is what the Indians wanted. We are trying to respond to the wishes of the Indians who have asked not to have to be with each other, but to be separated according to their tribes, and ours is not to reason why.

Now, Mr. Speaker, when we do that separation job, as is proposed to be done here, a court will do it according to as good a set of guidelines as anybody

could conceive for a situation where you have a spat between a couple of Indian tribes of long, long standing.

Mr. Speaker, I suggest the wisdom of adhering to these guidelines and taking the bill as it is. If this matter is dragged through this House another time and in another way and then taken over to the other body and dragged through there, there are going to be a lot of people cut up in the process. Those who will be cut up are Congressmen and Senators, as they are being cut up today between and by two Indian tribes that none of us even pretend to understand. And, there are going to be a lot of Indians who are not going to be any further along toward their hopes and aspirations than they are at this particular moment.

Of course, this is not the best solution in the world, because there is no best solution in the world, to problems such as these. It is hardly even a solution at all. It is more like a fight that has legislatively reduced to a low key. We have tried to keep it in as low a key as possible.

Mr. Speaker, on that basis I urge that the Members support this bill. If they do not, they will sooner or later stand again in harm's way because of this historic dispute that is not even any of their real business.

Mr. GROSS. Mr. Speaker, will the gentleman yield for a question?

Mr. REGULA. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I will ask the gentleman from Ohio this question:

Why is this bill up for consideration under suspension of the rules?

This involves, as I understand it, the future location of a minimum of 7,000 persons and \$29 million.

Why is this matter up under suspension of the rules?

Why is it not before the House with adequate general debate provided and the ability to amend the bill?

Mr. REGULA. Mr. Speaker, I will respond to that by saying that I do not have control of that situation, and I would suggest that question be directed to the other side of the aisle.

Mr. GROSS. Mr. Speaker, will the gentleman yield me 1 minute to direct my question to the gentleman from Washington?

Mr. REGULA. Yes, I yield 1 minute to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding and I will ask the gentleman from Washington this question:

Why is this bill, with the ramifications of the transplanting of 7,000 persons and the expenditure of \$29 million, before the House under suspension of the rules?

Mr. MEEDS. Mr. Speaker, if the gentleman will yield, I will answer his question.

Mr. GROSS. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Speaker, the bill is on the Suspension Calendar because the chairman of the committee asked for it to be there. I will also remind the gentleman from Iowa that a bill which was very similar to this had been passed by voice vote in this body in the 92d Congress.

Mr. REGULA. Mr. Speaker, I yield 5

minutes to the gentleman from Arizona (Mr. STEIGER).

Mr. STEIGER of Arizona, Mr. Speaker, those of you who recall this matter from the 92d Congress will recall that it was then, as now, a very emotional issue.

I will tell my colleagues that the congressional district involved in this situation is mine. In my view, there is only political jeopardy for anyone who gets involved in it.

And I will tell my colleagues further that I initiated the legislative solution for it 4 years ago. I did so because, in my view, we have a Federal responsibility that nobody has so far alluded to. As a result of a vague executive order initially, certain lands were designated for the use of certain Indians. Through a series of Bureau of Indian Affairs tacit neglects of the enforcement of the existing laws and regulations, Navajos were indeed permitted to occupy lands that the Federal court subsequently found did not belong to them. Thus the Federal Government at the executive level really compounded the problem both by an inefficient administration, and by cowardice with regard to the enforcement of the regulations.

The Federal court confronted the problem and decided that half of the land in question belonged to the Hopis, and then, I suppose with sufficient legal grounds, refused to bite the bullet and say which half was the Hopi's. The Congress then came along and we did confront the problem head on. In 1961 or 1962 we formed a Navajo-Hopi Boundary Dispute Commission, which was notable more for its title than for its activity. I have been a member of that commission as long as it has been in existence, and I do not know whether it does exist or not at this time, because, to the best of my knowledge, the commission never met. That was to be the congressional answer to this problem—a commission that never met.

The reason why we have this problem is because there are about 125,000 Navajos and 6,000 Hopis. If the numbers were anywhere near equal, the matter would have been resolved before this, but it is a simple fact that the bureaucrats do not like to go up against those kinds of numbers any more than the politicians do.

There is only one way to resolve this problem, namely, to divide the boundary and to give that which belongs to the Hopi to the Hopi and to give that which belongs to the Navajo to the Navajo.

In the absence of that, if we continue to permit the status quo to remain as it is, the problem will be compounded. Violence has already occurred. There is continued encroachment by the Navajo on the existing Hopi land, which is that land in white on the map provided by the chairman of the subcommittee.

Mr. Speaker, this is not a myth. I am not trying to romanticize this. I will tell the gentlemen here that my good friend from New Mexico (Mr. LUJAN) described mayhem in his letter urging you to vote against this bill.

I would also point out that follows a rather logical and typical transition with respect to the Navajo people. On first blush they simply attempt to occupy the land, and on second blush they attempt to maintain the occupation by force and

attempt to win the right to occupy it in the courts and to circumvent the legislation and the legislative process. All else failing, they resort to pure emotion and excessive statements.

I simply tell the Members that we will not move 6,000 or 8,000 Navajos because at least half of them are going to move anyway since the livestock will be removed. They are tenders of sheep and cattle. We have reduced the livestock population and it is moving, so they will leave anyway whether we pass this bill or not. Of the 6,000, if there are indeed that number, at least half of them moved into the area since the legislative process began 4 years ago. So you are not really looking at the elderly Navajo couple abandoning their traditional homestead but, rather, at people who have been permitted to live where they are because of an oversight or lack of initiative on the part of the Bureau of Indian Affairs.

The only possible way to resolve this problem is to divide the lands, which the Owens bill does, and remove the Navajo.

We do, as was pointed out by the gentleman from Ohio (Mr. REGULA) authorize, in a manner that is calculated to sooth almost anybody's feelings for the 6,000 people involved, up to \$26 million to ease the pain of separation from this land. I submit that this is an obligation that we properly have because the Federal Government is the source of the problem, and so the Federal Government should pay the bill. But let us face it, this is not an arbitrary committing of violence against the people who are being abused.

The SPEAKER. The time of the gentleman from Arizona has expired, and all time has expired for the gentleman from Ohio.

Mr. MEEDS. Mr. Speaker, may I inquire how many minutes I have remaining?

The SPEAKER. The Chair will state that the gentleman from Washington has 4 minutes remaining.

Mr. MEEDS. Mr. Speaker, I yield 4 minutes to the gentleman from Utah (Mr. OWENS).

Mr. OWENS. Mr. Speaker and Members of the House, this is an extremely complicated problem. For 15 years the District Court of Arizona, a three-man court, has considered the law and the equities in this matter, and have tried to settle the dispute of over 100 years' standing between the Hopi and the Navajo.

This is not a fight between white men and red men, this is a fight between two Indian tribes. The courts have held that each tribe is the undivided owner of one-half of the land which is in dispute here today, but the court has also found that the Navajo have effectively kept the Hopi from occupying and using their half.

This bill will continue an undivided one-half ownership of the mineral rights for each tribe, but in addition will provide that the court have the further authority to draw the line to insure that

both the Hopi and the Navajo have the right to use their half of the land.

So the law in this matter is settled, I will say to the Members of the House neither side of this dispute has ever accused the court of being unfair or being arbitrary or unreasonable. We are not today, in this legislation, determining what the law is, or what the rights are; we are simply giving the courts the power to solve this problem according to the lawful interests, as the court has already determined them.

The Hopi have asked for justice, and they are entitled to this land. They do not want to be bought out of their land as the bill which the gentleman from New Mexico (Mr. LUJAN) has proposed. They want their land and the courts say they are entitled to have it. The Hopi are fewer, by 15 times than the Navajo, and the Navajo have, by their greater aggressiveness and number, effectively prevented the Hopi from the use of their land according to the District Court.

The point the gentleman from Arizona (Mr. STEIGER) made that this land is overgrazed, by 700 percent, according to the Department of the Interior, is accurate. The courts now have cancelled all the grazing leases on this disputed land because it is in such poor shape, and will not support the number of animals that the Navajo need in order to live. So the Navajo are going to be moving off this land because it will not support them any further because of the overpopulation of their flocks. And if this bill does not pass, there will not be any assistance given to them in moving. This bill attempts to handle, in a sensitive way, the very real, heart-rending situation which will come when these Navajo families are required to move, as they will move whether we pass this bill or not, because some of the Navajo will be forced to move, whether by drought and insufficient feed, or by the courts refusing to allow them to graze on the land, or by the terms of this bill. This bill directs the court to draw this line in a very sensitive way to displace the fewest number possible of Navajos or Hopi, and there will be some Hopis who will have to be moved, also.

And it will be a far more humane move, than if dictated by drought and hunger. If we do not pass this bill the thousands who will be forced to move, will be forced to move without any benefit of financial relocation assistance, which this bill provides in an amount up to some \$30,000. This is an attempt to make that move as painless as possible and to upgrade the new residence of those who move.

This is a very equitable bill. It deals with an extremely sensitive matter, and I think it does so in a very sensible way. It solves a dispute which the Congress for a hundred years has refused to deal with, to the severe detriment of all parties involved, including the Congress itself.

The Hopis are entitled to justice and entitled to use of their land. To defeat this bill is to refuse to make a decision—to put off a solution. The real solution is to pass this bill, settle that dispute, and then let us get on other legislation to solve the land and commerce problems of the Hopis and the Navajos.

Mr. Speaker, the bill we are considering today represents a compromise solution to the protracted land dispute between the Hopi and Navajo Indian Tribes in northeastern Arizona. I urge my colleagues to adopt this bill as favorably reported without dissent by the Interior Committee.

H.R. 10337 is designed to resolve a dispute which began almost a century ago. At times this battle has taken place by physical struggle over the land on the Hopi Reservation. At other times the battle has been taken to the negotiation table, into the courtroom, through the Washington bureaucracy and to the halls of Congress.

By Executive order in 1882, President Chester A. Arthur established a reservation in Arizona for the use and occupancy of the Hopi and such other Indians as the Secretary of the Interior saw fit to settle thereon. During the past 125 years the seminomadic Navajo have pressed their intrusion deeper into these traditionally Hopi lands. Conflict and distrust has grown between the two tribes.

Congress authorized the U.S. District Court of Arizona to determine the respective interests of the Hopi and Navajo Tribes in the disputed area. The district court ruled that 600,000 acres were exclusively Hopi and that the balance of 1,900,000 acres are owned jointly between the Hopi and Navajo Tribes. The court also ruled that it was without congressional authority to partition the jointly held lands. The dispute was therefore never completely resolved, and the two tribes have been unable to jointly administer their common reservation.

In supplemental proceedings, the district court has found that the Navajos, who number 120,000 and the U.S. Government, as trustee, have prevented the Hopis, who number about 6,500 from using any significant portion of their one-half interest in the joint-use area. Absence of proper land management has produced a condition which has virtually destroyed the areas' productivity. The district court said as late as last December that unless the unregulated overgrazing of Navajo livestock on the joint-use area is immediately controlled and the area restored, neither the Hopis nor the Navajos will be able to make any use of this land.

The bill as approved by committee is a compromise effort to reach a final settlement of this situation which will recognize what has already been determined by the court and will resolve remaining issues in an equitable manner for all concerned. The bill authorizes the district court to partition equally the surface of the joint-use area between the Hopi and Navajo Tribes, giving consideration to present population densities and locations and thereby avoiding undue social, economic and cultural disruption. The bill further implements the courts previous decision by providing that each tribe will receive an equal share in the quantity and quality of land.

The argument most often presented on behalf of the Navajo is that a partition will require the Navajo to squeeze together where they are already overcrowded. A quick review of census figures reveals

that the Navajo Reservation contains more land mass than the combined acreage of the States of New Hampshire, Vermont, and Connecticut. The Navajo Reservation is located in the State of Arizona which boasts an average population density of 17 people per square mile of land area, while the population density on the Navajo Reservation is roughly 5 people per square mile. In other words, the proposed partition is a direct outgrowth of the overgrazing and the inability of the Hopi Tribe to use its fair share of the land as decreed by the Supreme Court.

Now, in order to protect the land in the interest of ecology for the use of members of both tribes, and in the best interest of both, we must take immediate action.

I will be introducing legislation which would enable the Navajo to use Federal lands contiguous to their reservation, and to help rebuild their reservation lands and to bring into the reservation lands industry and commerce sufficient to prosper. Any person required to relocate as a result of the partition will receive up to \$30,000 in adjustment assistance.

This is not a population problem, but rather a grazing problem. At the present time, the land subject to this legislation is 700 percent overgrazed due to grazing practices and is in such deplorable condition that a Federal judge has ordered the removal of all livestock from the area in an attempt to let the land recover. However, the Navajo Tribe has refused to remove the livestock in defiance of the court and sound range management practices.

Mr. Speaker, if we do not act promptly on this matter, the sometimes brutal forces of nature will cause mass reduction of livestock through drought, starvation, and disease, which in turn will result in the forced displacement of many more Indians without the assistance provided in this bill.

I strongly solicit support for this measure. We should have acted long before today. Through passage of this bill, we can attempt to salvage a reasonable and equitable solution.

The SPEAKER. The time of the gentleman has expired.

The question is on the motion offered by the gentleman from Washington (Mr. MEEDS) that the House suspend the rules and pass the bill H.R. 10337, as amended.

The question was taken.

Mr. LUJAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 133, nays 199, not voting 100, as follows:

[Roll No. 92]

YEAS—133

Abdnor	Bolling	Clancy
Adams	Brademas	Clark
Arends	Bray	Clausen,
Badillo	Breaux	Don H.
Bafalls	Broyhill, Va.	Clawson, Del
Biester	Burke, Mass.	Cohen
Bingham	Butler	Collins, Tex.
Blackburn	Camp	Conable
Boggs	Cederberg	Crane

Cronin	Lóng, Md.
Danielson	McFall
Davis, Wis.	McKay
Dent	Macdonald
Devine	Madigan
Dickinson	Martin, N.C.
Donohue	Matsunaga
Duncan	Meeds
Edwards, Ala.	Meicher
Edwards, Calif.	Michel
Eshleman	Miller
Evins, Tenn.	Mink
Fascell	Mitchell, Md.
Fish	Mollohan
Fisher	Morgan
Fulton	Myers
Gettys	O'Neill
Gilman	Owens
Haley	Parris
Hansen, Wash.	Passman
Harrington	Poage
Harsba	Podell
Hays	Powell, Ohio
Hébert	Pritchard
Henderson	Quie
Hicks	Randall
Holifield	Regula
Holt	Rhodes
Hosmer	Robison, N.Y.
Hudnut	Rogers
Hungate	Roncalio, Wyo.
Hunt	Rousselot
Johnson, Colo.	Sarbanes
Karth	Satterfield
Kastenmeier	Schneebeli
Leggett	Seiberling
Long, La.	

NAYS—199

Abzug	Forsythe
Anderson, Calif.	Fountain
Anderson, Ill.	Frenzel
Andrews, N. Dak.	Frey
Archer	Gaydos
Armstrong	Glaimo
Ashbrook	Ginn
Aspin	Gonzalez
Baker	Goodling
Barrett	Green, Pa.
Bauman	Gross
Beard	Grover
Bennett	Guyer
Bevill	Hamilton
Biaggi	Hammer-
Boland	schmidt
Bowen	Hanley
Brooks	Hanrahan
Brotzman	Hansen, Idaho
Brown, Calif.	Hastings
Broyhill, N.C.	Hechler, W. Va.
Buchanan	Heckler, Mass.
Burgener	Heinz
Burlison, Tex.	Helstoski
Burlison, Mo.	Hillis
Burton	Hogan
Byron	Holtzman
Carney, Ohio	Horton
Carter	Howard
Casey, Tex.	Hutchinson
Clay	Ichord
Cleveland	Johnson, Calif.
Coilier	Johnson, Pa.
Conlan	Jones, Ala.
Conte	Jones, N.C.
Conyers	Jones, Okla.
Corman	Kazen
Coughlin	Kemp
Culver	Ketchum
Daniel, Dan	Kluczynski
Daniel, Robert	Koch
W., Jr.	Lagomarsino
Daniels,	Landrum
Dominick V.	Latta
Davis, S.C.	Lent
de la Garza	Litton
Delaney	Lott
Dellenback	Lujan
Dellums	Luken
Denholm	McCormack
Dennis	Mahon
Derwinski	Mallary
Diggs	Mann
Dingell	Martin, Nebr.
Downing	Mathias, Calif.
Drinan	Mathis, Ga.
Dulski	Mayne
du Pont	Mazzoli
Ellenberg	Mezvinsky
Erlenborn	Mills
Esch	Minish
Evans, Colo.	Mitchell, N.Y.
Findley	Mizell
Flood	Montgomery
Flowers	Moorhead,
Flynt	Calif.
Foley	Moorhead, Pa.
	Mosher
	Moss

Shoup	Murphy, N.Y.
Shriver	Murtha
Shuster	Natcher
Sikes	Nedzi
Sisk	Nelsen
Smith, N.Y.	Obey
Staggers	Patman
Stanton,	Patten
J. William	Perkins
Stanton,	Pettis
James V.	Peyster
Stark	Pike
Steelman	Price, Ill.
Steiger, Ariz.	Price, Tex.
Steiger, Wis.	Quillen
Stephens	Rallsback
Stokes	Rarick
Symms	Rees
Taylor, N.C.	Rinaldo
Thompson, N.J.	Roberts
Thompson, Wis.	Robinson, Va.
Tierman	Rodino
Vanik	Roe
Waggonner	Roncalio, N.Y.
Ware	Rooney, Pa.
White	Rose
Whitehurst	Rosenthal
Winn	Rostenkowski
Wyatt	Roush
Wydler	Royal
Wylie	Runnels
Young, Alaska	Ruppe
Young, Fla.	Ruth
Young, Tex.	Sandman
Zion	Sarasin

NOT VOTING—100	Gray	O'Brien
Addabbo	Green, Oreg.	O'Hara
Alexander	Griffiths	Pepper
Andrews, N.C.	Gubser	Pickle
Annunzio	Gude	Preyer
Ashley	Gunter	Reid
Bell	Hanna	Reuss
Bergland	Hawkins	Riegle
Blatnik	Hinshaw	Rooney, N.Y.
Brasco	Huber	Roy
Breckinridge	Jarman	Ryan
Brinkley	Jones, Tenn.	St Germain
Broomfield	Jordan	Sebelius
Brown, Mich.	King	Slack
Brown, Ohio	Kuykendall	Steed
Burke, Calif.	Kyros	Steele
Burke, Fla.	Landgrebe	Stubblefield
Carey, N.Y.	Lehman	Stuckey
Chamberlain	McClory	Symington
Chappell	McCloskey	Talcott
Chisholm	McCollister	Towell, Nev.
Cochran	McDade	Udall
Collins, Ill.	McEwen	Ullman
Cotter	McKinney	Van Deerlin
Davis, Ga.	McSpadden	Vander Veen
Dorn	Madden	Vigorito
Eckhardt	Maraziti	Waldie
Ford	Metcalfe	Wiggins
Fraser	Milford	Wilson, Bob
Frelinghuysen	Minshall, Ohio	Wilson,
Froehlich	Moakley	Charles, Tex.
Fuqua	Murphy, Ill.	Yatron
Gibbons	Nichols	Young, S.C.
Goldwater	Nix	
Grasso		

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Eckhardt.
Mr. Rooney of New York with Mr. Gibbons.
Mr. Stubblefield with Mrs. Griffiths.
Mr. Carey of New York with Mr. Gunter.
Mr. Cotter with Mr. Madden.
Mrs. Grasso with Mr. McDade.
Mr. Nichols with Mr. McEwen.
Mr. Nix with Mr. Riegle.
Mr. Brasco with Mr. McCloskey.
Mr. Hawkins with Mr. Gray.
Mr. Pepper with Mr. King.
Mrs. Green of Oregon with Mr. Kuykendall.
Mr. Addabbo with Mr. Frelinghuysen.
Mr. Chappell with Mr. Huber.
Mr. Fuqua with Mr. Froehlich.
Mr. Moakley with Mr. Gude.
Mr. Metcalfe with Mr. Reid.
Mr. Jones of Tennessee with Mr. Gubser.
Mr. Pickle with Mr. Bell.
Mr. St Germain with Mr. Goldwater.
Mr. Steed with Mr. Broomfield.
Mr. Ullman with Mr. Hinshaw.
Mr. Vigorito with Mrs. Collins of Illinois.
Mr. Yatron with Mr. Landgrebe.
Mr. Murphy of Illinois with Mr. Brown of Michigan.
Mr. Davis of Georgia with Mr. McCollister.
Mr. Bergland with Mr. Brown of Ohio.
Mr. Alexander with Mr. Cochran.
Mr. Jarman with Mr. Burke of Florida.
Mr. Kyros with Mr. McClory.
Mr. McSpadden with Mr. Minshall of Ohio.
Mr. Milford with Mr. O'Brien.
Mr. Spence
Mr. Fraser with Mr. Maraziti.
Mr. Ford with Mr. Chamberlain.
Mrs. Chisholm with Mr. Charles Wilson of Texas.
Mr. Brinkley with Mr. McKinney.
Mr. Slack with Mr. Preyer.
Mr. Van Deerlin with Mr. Steele.
Mr. Symington with Mr. Young of South Carolina.
Ms. Jordan with Mr. Hanna.
Mr. Breckinridge with Mr. O'Hara.
Mr. Ashley with Mr. Bob Wilson.
Mr. Stuckey with Mr. Sebelius.
Mrs. Burke of California with Mr. Lehman.
Mr. Roy with Mr. Wiggins.
Mr. Ryan with Mr. Blatnik.
Mr. Udall with Mr. Talcott.
Mr. Waldie with Mr. Dorn.
Mr. Reuss with Mr. Andrews of North Carolina.
Mr. Vander Veen with Mr. Towell of Nevada.