

*the Secretary of the Interior shall initiate within 90 days after the date of the enactment of this section a proceeding in the United States Federal District Court for the District of Utah, seeking a determination, subject to section 309(f) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), of the value of the real property, reasonable costs and expenses of holding such property from February 1990 to the date of final payment, including damages, if any, and reasonable costs and attorneys fees.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, this bill was brought about by the 1973 Endangered Species Act. When that was passed, they found in southern Utah the desert tortoise. Out of finding the desert tortoise, we then had to find a place for the habitat for the desert tortoise, which basically really is not endangered, but I will not get into that.

Finding it there, they found a situation where 33 different people had to give up ground to get it. We have taken care of all of those people for a critical habitat because they had that ground and they could not put their foot on it, all they could do was pay taxes.

We have one person left, the biggest one. We are trying to get it resolved in this particular bill.

During the hearing on this bill, several concerns were raised by the administration and the minority. At committee, my amendment in the nature of a substitute was adopted which addressed those concerns.

This amendment accomplishes the following four things:

First, the acreage will be vested in the United States 30 days after enactment.

Second, just compensation shall be paid, with an initial payment of \$15 million, which will prevent the property from reverting to creditors during litigation. According to the BLM's lowest estimate, the property is worth at least \$35 million.

Third, the court may consider the damages, costs, and attorneys' fees, as the court determines appropriate.

Lastly, the values as determined by the court, not Congress or the BLM, will be paid out of the permanent judgment fund.

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

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

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I want to commend the gentleman from Utah (Mr. HANSEN), the chief sponsor of this legislation.

We have no opposition to this legislation, Mr. Speaker, but there are some

concerns on this side of the aisle concerning the provisions of the bill.

Mr. Speaker, this is an extraordinary procedure taken on this bill. It is an authorization, it is an appropriation, and also an implementation of condemnation of land rolled into one. Only a few times in the past quarter century has a legislative taking been used by the Congress. Furthermore, the language of this legislation is substantially different from that used in other cases.

There is also considerable controversy associated with the land identified by this legislation. Several news articles from the State of Utah have called into question actions by the landowner with regard to this property. Title has been clouded to this land, and it is unclear what interests the landowner has and what interests other parties have to the property in question.

Mr. Speaker, the BLM has attempted to negotiate with the landowner. These negotiations have been hampered by the landowner's insistence on using appraisal assumptions that are not consistent with Federal standards and that were not used in other transactions, including those done previously with the landowner.

The bill also seeks to open the door to payments to the landowner dating back to February, 1990. This raises several issues. First, the Desert Tortoise Reserve was not even established until 1996. It was only after this that attempts were made to acquire the property. Even until 1996, the landowner was involved in litigation on the property and could not present clear title. Settlement of the litigation and other subsequent actions have made other unnamed parties a beneficiary of this legislation.

Like I said, Mr. Speaker, I do not oppose this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4721, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### HISTORICALLY WOMEN'S PUBLIC COLLEGES OR UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4503) to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities, as amended.

The Clerk read as follows:

H.R. 4503

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Historically Women's Public Colleges or Universities Historic Building Restoration and Preservation Act".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) HISTORICALLY WOMEN'S PUBLIC COLLEGE OR UNIVERSITY.—The term "historically women's public college or university" means a public institution of higher education created in the United States between 1836 and 1908 to provide industrial education for women, including the institutions listed in clauses (i) through (viii) of section 3(d)(2)(A).

(2) HISTORIC BUILDING OR STRUCTURE.—The term "historic building or structure" means a building or structure listed (or eligible to be listed) on the National Register of Historic Places, designated as a National Historic Landmark, or located within a designated historic district.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

#### SEC. 3. PRESERVATION AND RESTORATION GRANTS FOR HISTORIC BUILDINGS AND STRUCTURES AT HISTORICALLY WOMEN'S PUBLIC COLLEGES OR UNIVERSITIES.

(a) AUTHORITY TO MAKE GRANTS.—

(1) IN GENERAL.—From amounts made available under paragraph (2), the Secretary shall award grants in accordance with this section to historically women's public colleges or universities for the preservation and restoration of historic buildings and structures on their campuses.

(2) SOURCE OF FUNDING.—Grants under paragraph (1) shall be awarded from amounts appropriated to carry out the National Historic Preservation Act (16 U.S.C. 470 et seq.) for fiscal years 2001 through 2005.

(b) GRANT CONDITIONS.—Grants made under subsection (a) shall be subject to the condition that the grantee agree, for the period of time specified by the Secretary, that—

(1) no alteration will be made in the property with respect to which the grant is made without the concurrence of the Secretary; and

(2) reasonable public access to the property for which the grant is made will be permitted by the grantee for interpretive and educational purposes.

(c) MATCHING REQUIREMENT FOR BUILDINGS AND STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.—

(1) IN GENERAL.—Except as provided by paragraph (2), the Secretary may obligate funds made available under this section for a grant with respect to a building or structure listed on the National Register of Historic Places, designated as a National Historic Landmark, or located within a designated historic district, only if the grantee agrees to provide for activities under the grant, from funds derived from non-Federal sources, an amount equal to 50 percent of the costs of the program to be funded under the grant with the Secretary providing 50 percent of such costs under the grant.

(2) IN-KIND CONTRIBUTIONS.—In addition to cash outlays and payments, in-kind contributions of property or personnel services by non-Federal interests may be used for the non-Federal share of costs required by paragraph (1).

(d) FUNDING PROVISIONS.—

(1) AMOUNTS TO BE MADE AVAILABLE.—Not more than \$16,000,000 for each of the fiscal years 2001 through 2005 may be made available under this section.

(2) ALLOCATIONS FOR FISCAL YEAR 2001.—

(A) IN GENERAL.—Of the amounts made available under this section for fiscal year 2001, there shall be available only for grants under subsection (a) \$2,000,000 for each of the following:

(i) Mississippi University for Women in Columbus, Mississippi.

(ii) Georgia College and State University in Milledgeville, Georgia.

(iii) University of North Carolina in Greensboro, North Carolina.

(iv) Winthrop University in Rock Hill, South Carolina.

(v) University of Montevallo in Montevallo, Alabama.

(vi) Texas Woman's University in Denton, Texas.

(vii) University of Science and Arts of Oklahoma in Chickasha, Oklahoma.

(viii) Wesleyan College in Macon, Georgia.

(B) LESS THAN \$16,000,000 AVAILABLE.—If less than \$16,000,000 is made available under this section for fiscal year 2001, then the amount made available to each of the institutions listed in subparagraph (A) shall be reduced by the same amount.

(3) ALLOCATIONS FOR FISCAL YEARS 2002–2005.—Any funds which are made available during fiscal years 2002 through 2005 under subsection (a)(2) shall be distributed by the Secretary in accordance with the provisions of subparagraphs (A) and (B) of paragraph (2) to those grantees named in paragraph (2)(A) which remain eligible and desire to participate, on a uniform basis, in such fiscal years.

(e) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 4503, introduced by the gentleman from Mississippi (Mr. PICKERING), authorizes the Secretary of the Interior to provide restoration and preservation grants for historic buildings and structures at seven historically women's public colleges or universities.

The gentleman from Mississippi (Mr. PICKERING) is to be commended for his hard work on this bill, which serves an important part of preserving our cultural history.

H.R. 4503 directs the Secretary to award \$14 million annually from fiscal year 2001 to 2005 to the seven academic institutions. These institutions are located in seven separate States, mainly in the Southeastern United States.

Despite their continued use, many of the structures located on these campuses are facing destruction or closure because preservation funds are not available. H.R. 4503 would enable these buildings to be preserved and maintained. Funds would be awarded from the National Historic Preservation Fund, subject to a 50 percent matching requirement from non-Federal sources. The bill also assures that the in-kind contributions will count toward the non-Federal share of the match.

Mr. Speaker, I have an additional amendment I would like to add. It has

come to my attention that there is an older women's academic institution in Georgia than the ones identified in this bill.

In this light, the amendment adds Wesleyan College in Macon, Georgia, to the schools eligible for the grants, and adds \$2 million to the authorized grant accounts.

Mr. Speaker, I urge my colleagues to support H.R. 4503, as amended.

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

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

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I want to again commend the gentleman from Mississippi (Mr. PICKERING) for introducing this legislation.

Mr. Speaker, I will not oppose this piece of legislation. I too, however, would like to share with my colleagues some observations and concerns concerning the provisions of this bill.

As introduced, H.R. 4503 earmarks up to \$70 million over 5 years from the Historic Preservation Fund for grants to seven public colleges and universities, most located in the Southeastern region, and that were originally founded to serve women.

The grantees will be required to provide a 50 percent match, and the funds could be used to restore historic buildings and structures. The schools would divide the money equally.

Apparently we are actually amending the bill before us today to add another school, this one located in the State of Georgia. This raises the small number of schools which would benefit from this legislation to eight schools, and raises the cost of the bill to \$80 million over 5 years.

Mr. Speaker, we fully support historic preservation in general, and could even agree with the specific goal of this legislation to aid historically women's colleges, universities, in preserving historic structures on their campuses.

However, we have serious concerns regarding the approach taken on this bill. Under current law, the Secretary of the Interior is authorized to make grants from the Historic Preservation Fund based on statutory criteria to States or local governments to preserve the precise sites or buildings that would receive funding under this legislation.

Since these sites are eligible under current law, the effect of this bill is to single out eight of these specific schools, all located in a particular part of our Nation, and move them up to the front of the line by fencing off \$16 million a year that must bypass the Secretary of the Interior and go directly to these schools.

The bill sets out no criteria for why these schools needed these funds, and makes no distinction between the schools themselves.

Furthermore, Mr. Speaker, while we are considering legislation to earmark

\$16 million for these schools from the Historic Preservation Fund, the conference report in the FY 2001 Interior appropriations bill just adopted on this floor contained just \$79 million total for historic preservation.

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If this funding level were to become law, these eight schools would receive more than 20 percent of all historic preservation funds nationwide.

Mr. Speaker, this legislation includes no standards, which explains how these eight schools were selected. There are currently 78 women's colleges and universities in the United States today. Why are these eight deserving of this funding and the other 70 are not? We are told that these schools are selected because they represent a unique subset of women's colleges and universities in America. However, the last minute addition of yet another school to the bill raises serious questions about the selection process included in the provisions of this bill.

If historic sites on these campuses are deserving of historic preservation funding, the relevant State or locality should apply for such funding under the current system. The kind of earmarks contained in this legislation, Mr. Speaker, I honestly believe undermines our historic preservation efforts and work to benefit a small group of schools unfairly.

Again, Mr. Speaker, I remind my colleagues there are currently 78 women's colleges and universities in our Nation today. Yet we are providing special funding for only eight of these colleges and universities.

So, Mr. Speaker, let us proceed to pass the bill. But let us hope that, in the future, this legislation or this kind of proposed program will not come back to haunt us.

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

Mr. HANSEN. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from Mississippi (Mr. PICKERING), the author of this legislation.

Mr. PICKERING. Mr. Speaker, I am very pleased to be on the floor this evening in support of my bill, H.R. 4503, the Historically Women's Public Colleges or Universities Historic Building Restoration and Preservation Act.

I want to commend the gentleman from Utah (Chairman HANSEN) for his commitment to women and minorities education and thank him for his work to see that this important authorization reaches the floor. I also thank the gentleman from Alaska (Chairman YOUNG) for his similar commitment and work.

I would also like to address some of the concerns raised by the gentleman from American Samoa (Mr. FALEOMAVAEGA), our friend on the other side, and talk about why this is so important as we go into the 21st century that we look to the institutions who educated and trained the

women, beginning in my home State of Mississippi in 1884.

If we look at the subset of the universities that we picked out, why should they receive priority? They are the oldest public women's colleges in the country. We may talk about the 78 other women's colleges, but these are the oldest of the women's colleges in the country. They happen to reside in my region. But if we are looking at historic preservation, it seems to me that we look at the oldest first, and that should receive the priority.

If we are looking at continuing their mission into the 21st century, Mississippi University for Women has a great legacy, not only going back into the late 1800s, the 1900s; but today, in 2000, they received U.S. News and World Report's ranking of the best in the South as a liberal arts college. They are educating, not only women today and minorities, but also male students.

If we are to continue the rich history and the legacy of what they have done over their history over their time and to continue the mission into the 21st century, then the buildings that house their students where the teachers train the students of tomorrow, we must preserve those buildings that house the places where we are now providing the education for women and minorities across the South.

I introduced H.R. 4503 to advance what I think is the most important priority for funding in this Congress, and that is education. The bipartisan cosponsorship and support for this effort affirms the principle that if we are to continue to progress as a society, if we are to continue to lead the world in science, medicine, law and many other fields, we must educate all Americans.

The historically women's public institutions, which are the subject of this bill, were founded in the United States between 1836 and 1908. This was a time when women, particularly poor women, were unable to attain a higher education in public schools; the opportunity simply did not exist.

In recognition of this injustice and unfair circumstance for women, there was introduced into the United States Senate a resolution in the late 1800s which sought the establishment and endowment of schools of science and technics for the education of females in appropriate branches of science and the useful arts, upon a plan similar in its principles to that upon which agricultural and mechanical colleges have been aided by the United States. This need expressed in this resolution, introduced over 100 years ago, continues today.

As I mentioned earlier, in my home State of Mississippi the State legislature worked and established the Mississippi Industrial Institute and College of Girls to provide for women, particularly those without the means, a public education which would empower them to lift themselves out of their circumstance. Over 100 years later, I know

that the W, and the other colleges prioritized in this bill, continue to be crucial educational institutions for women, minorities, and all students.

With buildings in some of these colleges and universities well over 150 years old still in use, their disrepair now endangers their ability to continue their critical role in educating women and minorities. Due to advanced age of these buildings, the upkeep costs are more than most budgets can allow. Since most of these universities were built in the early 1900s, most of today's basic needs are not provided for in their facilities.

This Congress can and should reaffirm its commitment to the education of women, the underprivileged, and minorities. Education cannot take place without adequate facilities. We must, therefore, contribute to the rehabilitation of these facilities. Funding for restoration of these historic buildings, much as we did for the historically black colleges across our region, is and should be a sound investment.

I want to thank again the gentleman from Utah (Mr. HANSEN), the subcommittee chairman, and all those who have cosponsored this legislation. It is the place where my mother received her education and where many of the women who were trained and educated in my home State who then became leaders and teachers and those who have raised the next generations of leaders have received their education. It is a special place for my family and for me, and I want to thank all those who have made this authorization possible.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the gentleman from Mississippi (Mr. PICKERING) for his excellent presentation in defense of the provisions of the bill that he has introduced.

Mr. MASCARA. Mr. Speaker, I rise to support the bill and to show appreciation for the contributions of these seven institutions. I would also like to mention the educational contributions of a coed liberal arts institution in my district, Washington and Jefferson College, which was founded in 1781 and has the historical McIlvaine building which was the site of the Washington Women's Seminary from 1897 to 1939. This fine building is currently under renovation and is recognized in Western Pennsylvania for its gracious federal architecture designed by three women and eventually absorbed on to the Washington and Jefferson campus which became coeducational in 1970.

Mr. FALEOMAVAEGA. Mr. Speaker, I do not have any further speakers, so I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4503, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY IRRIGATION WORKS OWNERSHIP

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2820) to provide for the ownership and operation of the irrigation works on the Salt River Pima-Maricopa Indian Community's reservation in Maricopa County, Arizona, by the Salt River Pima-Maricopa Indian Community, as amended.

The Clerk read as follows:

H.R. 2820

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

The Congress finds and declares that—

(1) it is the policy of the United States, in fulfillment of its trust responsibility to Indian tribes, to promote Indian self-determination and economic self-sufficiency;

(2) the Salt River Pima-Maricopa Indian Community (hereinafter referred to as the "Community") has operated the irrigation works within the Community's reservation since November 1997 and is capable of fully managing the operation of these irrigation works;

(3) considering that the irrigation works, which are comprised primarily of canals, ditches, irrigation wells, storage reservoirs, and sump ponds located exclusively on lands held in trust for the Community and allottees, have been operated generally the same for over 100 years, the irrigation works will continue to be used for the distribution and delivery of water;

(4) considering that the operational management of the irrigation works has been carried out by the Community as indicated in paragraph (2), the conveyance of ownership of such works to the Community is viewed as an administrative action;

(5) the Community's laws and regulations are in compliance with section 2(b); and

(6) in light of the foregoing and in order to—

(A) promote Indian self-determination, economic self-sufficiency, and self-governance;

(B) enable the Community in its development of a diverse, efficient reservation economy; and

(C) enable the Community to better serve the water needs of the water users within the Community,

it is appropriate in this instance that the United States convey to the Community the ownership of the irrigation works.

#### SEC. 2. CONVEYANCE AND OPERATION OF IRRIGATION WORKS

(a) CONVEYANCE.—The Secretary of the Interior, as soon as is practicable after the date of enactment of this Act, and in accordance with the provisions of this Act and all other applicable law, shall convey to the Community any or all rights and interests of the United States in and to the irrigation works on the Community's reservation which were formerly operated by the Bureau of Indian Affairs. Notwithstanding the provisions of sections 1 and 3 of the Act of April 4, 1910 (25 U.S.C. 385) and sections 1, 2, and 3 of the Act of August 7, 1946 (25 U.S.C. 385a, 385b, and 385c) and any implementing regulations, during the period between the date of the enactment of this Act and the conveyance of the irrigation works by the United