

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

States to the Community, the Community shall operate the irrigation works under the provisions set forth in this Act and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), including retaining and expending operations and maintenance collections for irrigation works purposes. Effective upon the date of conveyance of the irrigation works, the Community shall have the full ownership of and operating authority over the irrigation works in accordance with the provisions of this Act.

(b) FULFILLMENT OF FEDERAL TRUST RESPONSIBILITIES.—To assure compliance with the Federal trust responsibilities of the United States to Indian tribes, individual Indians and Indians with trust allotments, including such trust responsibilities contained in Salt River Pima-Maricopa Indian Community Water Rights Settlement Act of 1988 (Public Law 100-512), the Community shall operate the irrigation works consistent with this Act and under uniform laws and regulations adopted by the Community for the management, regulation, and control of water resources on the reservation so as to assure fairness in the delivery of water to water users. Such Community laws and regulations include currently and shall continue to include provisions to maintain the following requirements and standards which shall be published and made available to the Secretary and the Community at large:

(1) PROCESS.—A process by which members of the Community, including Indian allottees, shall be provided a system of distribution, allocation, control, pricing and regulation of water that will provide a just and equitable distribution of water so as to achieve the maximum beneficial use and conservation of water in recognition of the demand on the water resource, the changing uses of land and water and the varying annual quantity of available Community water.

(2) DUE PROCESS.—A due process system for the consideration and determination of any request by an Indian or Indian allottee for distribution of water for use on his or her land, including a process for appeal and adjudication of denied or disputed distributions and for resolution of contested administrative decisions.

(c) SUBSEQUENT MODIFICATION OF LAWS AND REGULATIONS.—If the provisions of the Community's laws and regulations implementing subsection (b) only are to be modified subsequent to the date of enactment of this Act by the Community, such proposed modifications shall be published and made available to the Secretary at least 120 days prior to their effective date and any modification that could significantly adversely affect the rights of allottees shall only become effective upon the concurrence of both the Community and the Secretary.

(d) LIMITATIONS OF LIABILITY.—Effective upon the date of enactment of this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on the Community's ownership or operation of the irrigation works, except for damages caused by acts of negligence committed by the United States prior to the date of enactment of this Act. Nothing in this section shall be deemed to increase the liability of the United States beyond that currently provided in the Federal Tort Claims Act (28 U.S.C. 2671 et seq.).

(e) CANCELLATION OF CHARGES.—Effective upon the date of conveyance of the irrigation works under this section, any charges for construction of the irrigation works on the reservation of the Community that have been deferred pursuant to the Act of July 1, 1932 (25 U.S.C. 386a) are hereby canceled.

(f) PROJECT NO LONGER A BIA PROJECT.—Effective upon the date of conveyance of the

irrigation works under this section, the irrigation works shall no longer be considered a Bureau of Indian Affairs irrigation project and the facilities will not be eligible for Federal benefits based solely on the fact that the irrigation works were formerly a Bureau of Indian Affairs irrigation project. Nothing in this Act shall be construed to limit or reduce in any way the service, contracts, or funds the Community may be eligible to receive under other applicable Federal law.

SEC. 3. RELATIONSHIP TO OTHER LAWS.

Nothing in this Act shall be construed to diminish the trust responsibility of the United States under applicable law to the Salt River Pima-Maricopa Indian Community, to individual Indians, or to Indians with trust allotments within the Community's reservation.

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. 2820 transfers the ownership of the irrigation works currently operated by the Salt River Pima-Maricopa Indian Community.

Over the last several years, the subcommittee has moved legislation that has defederalized several Bureau of Reclamation facilities in the western United States. This bill proposes to transfer all rights and interest to the irrigation works from the Bureau of Indian Affairs to the Pima-Maricopa Indian Community. Management of the facilities has been under the jurisdiction of the tribe for several years.

Mr. Speaker, I urge an "aye" vote on this legislation.

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 certainly would like to commend and compliment the gentleman from Arizona (Mr. HAYWORTH) for his sponsorship of this legislation. This legislation has bipartisan support. The gentleman from Arizona (Mr. PASTOR) is also a very strong supporter of this legislation.

Mr. Speaker, H.R. 2820 would direct the Secretary of Interior to transfer to the Salt River Pima-Maricopa Indian Community any remaining authority and responsibility held by the Secretary for the irrigation works on their reservation. I congratulate the gentleman from Arizona (Mr. PASTOR) and also the gentleman from Arizona (Mr. HAYWORTH) for their contributions to this bill.

Under the bill, the Pima-Maricopa Indian Community would have full operating authority over the irrigation works within the community to deliver their water to their lands. I believe it is appropriate that the project facili-

ties be transferred to the community, and I urge my colleagues to support this legislation.

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

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

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA), and I echo and reinforce their comments.

Mr. Speaker, I would also like to take time to thank the gentleman from Arizona (Mr. PASTOR), who worked with me to draft this bipartisan, common sense piece of legislation.

The gentleman from American Samoa just a few years ago had a chance to join me on the Salt River Pima-Maricopa Indian Community for a good visit about housing. So he has had a chance firsthand to see the area we are talking about.

Again, to echo the previous comments, this legislation would transfer ownership and operation of the irrigation works there from the Bureau of Indian Affairs to the tribe.

H.R. 2820 was intended as a way to jump-start talks between the tribe and the Bureau of Indian Affairs to transfer ownership of the irrigation canals to the tribe. This final legislative product is the culmination of intense negotiations and is agreeable to the tribe, the Bureau of Indian Affairs, the Interior Department, and, as has been mentioned on the floor tonight, both Republicans and Democratic Members of the Committee on Resources. In fact, Mr. Speaker, I do not know of anyone who stands in opposition to this legislation.

Mr. Speaker, H.R. 2820 is a win-win for the tribe, the BIA, the government-to-government relationship between the Federal Government and the tribes, and obviously it is also a win for the taxpayers. As the BIA has allowed the tribe to operate the irrigation works since November of 1997, it is important to note there would be no disruption in service.

It is important to note also something interesting and perhaps unique to Arizona and certainly the portion of Arizona that is part of the Sonoran Desert environment. Water is so critically important there. We have a variation of the saying in the Old West: "Whiskey's for drinking, water's for fighting." I am glad we are not going to be fighting about this when we see the common sense of transferring ownership of these canals to the tribe. It would allow the tribe to make desperately needed improvements to the canals.

Mr. Speaker, some of these canals are nearly a century old; and by offering these improvements, we can save precious water supplies. Sadly, though it is unintended, under the current situation, improvements to the canals were

impeded and complicated by the Bureau of Indian Affairs' control of those canals.

With ownership transferred to the tribe, the tribe would be able to line the canals with concrete and make substantial improvements to save water and enhance agricultural opportunities for the tribe and its members.

Now, as the gentleman from American Samoa (Mr. FALEOMAVAEGA) will attest based on his personal visit, the community is located in the shadow of suburban Scottsdale, but it is worth noting that this Native American community is largely an agricultural community dependent on cotton and other crops to generate revenue for the tribe and its members. Improved canals would bring more surface water to use for crops and eventually increase revenue because of the additional water that will not be lost to the aforementioned poorly maintained canals.

Transferring the control of the irrigation canals from the BIA to the tribe would also give local BIA employees the freedom and flexibility to work on other worthwhile projects. In addition, it would strengthen the unique government-to-government relationship between the tribe and the Federal Government by allowing the community to move a step closer to self-sufficiency and independence from the Federal Government.

Again, to restate the win for American taxpayers, the victory for all Americans comes with enactment of this legislation because the costs allocated for maintenance and operation of the irrigation canals to the BIA will no longer be necessary.

Mr. Speaker, while we look at the calendar and note that this is, indeed, the political season, and while we rejoice at the fact that we can have deeply held philosophical differences, this is one occasion far from the interest of the Fourth Estate and many around the country where we are able to enact a common sense policy, not because it is the trademark of either major party, not because it is the intellectual creation of one particular Member of Congress. No, Mr. Speaker, this stands as a classic common sense, good government piece of legislation. In that spirit of consensus and bipartisanship, even as we note this particular date on the political calendar, I am pleased to join with my friends, Republicans and Democrats alike, in urging the House to pass this legislation.

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

Mr. Speaker, in that spirit also, I would be remiss if I do not express my sense of appreciation to the gentleman from Arizona (Mr. HAYWORTH). Yes, I have visited the State of Arizona, and I would gladly give him some of the 200 inches of rain that my district of American Samoa could give to the State Arizona if it were possible.

But I do want to also compliment the gentleman for his leadership, outstanding leadership role that he has played as a cochairman of our National Native American Congressional Caucus. He has played a very effective role in helping our American community. I thank the gentleman for that.

BACKGROUND

Mr. YOUNG of Alaska. Mr. Speaker, the purpose of this legislation is to convey to the Salt River Pima Maricopa Indian Community (SRPMIC) the ownership of the irrigation works composed primarily of ditches, laterals, sump ponds and several wells on Reservation lands formerly operated by the Bureau of Indian Affairs. Because the irrigation works is entirely on Reservation land and because the operational control of the irrigation works was transferred to the SRPMIC in 1997, this proposed legislative conveyance is anticipated to be a relatively straight-forward administrative transfer that should be carried out in keeping with the underlying goals of Indian self-determination, self-governance and economic self-sufficiency.

As early as August 1993, the SRPMIC held discussions in the Community concerning the potential transfer of the irrigation works. The Bureau of Indian Affairs (BIA), the Salt River Agency (the local BIA office), and the Branch of Land Operations and P.L. 93-638 Contract administration met at that time to explore this conveyance.

According to the Community, these consultations resulted in efforts by the SRPMIC toward assuming management and operation of the irrigation delivery system by: (1) its approval of SRPMIC Ordinance No. 199-95 Surface Water management (Ordinance) approved on May 3, 1995; (2) the partial completion of P.L. 93-368 Contract No. CTH55T61517—Water Resources Program (Contract) awarded on August 10, 1993 through the final submission in August 1995 by SFC Engineering Co. report titled "Irrigation System Evaluation and Rehabilitation Study for Lands South of the Arizona Canal," (3) the request by the SRPMIC for financial records of the project; (4) the establishment of monthly meetings between the SRPMIC and the Salt River Agency and its Branch of Land Operations to review the status, coordinate activities and share information; (5) the origination by SRPMIC of a report entitled "SRPMIC Irrigation Project—Transfer of Operation and Maintenance from the BIA to the SRPMIC Community" dated January 10, 1996.

The irrigation works over the past 20 years or so unfortunately did not receive sufficient funding. As a result, the project facilities deteriorated, and if this deterioration were allowed to continue, the allotted landowners would receive less rent for a less efficient system. Even while the BIA operated the project, it was the Community which obtained non-BIA funds to line the main Evergreen Canal and some lateral mileage. Also, the Community is in the midst of a refurbishment program at a cost up to approximately \$1.25 million over five years from the USDA/EQIP program. The cost to the Community above and beyond the amount collected currently from water users is approximately \$200,000 per year. The original construction costs carried by the BIA are \$3,313,192, which have long since been am-

ortized to zero since the project dates back 84 years to 1916. It is important to note that the Pima people and their ancestors used gravity-fed irrigation for hundreds of years prior to federal involvement.

Today, the Irrigation Works employees are no longer BIA employees as they were prior to 1997. They are employees of the Community. The equipment and buildings that were used in BIA's operation were transferred from the BIA to SRPMIC which now provides irrigation services for landowners and water users.

The SRPMIC Water Resources Division manages this Irrigation Works Project. Based upon testimony from the Community, the irrigation system is managed with a staff of 12 full time employees including a division manager, an engineer, an agricultural engineer and other irrigation staff. It operates under a budget based on incoming water sales. About 8,000 acres of farmland are irrigated with the following system: (1) Evergreen Canal (main canal) 4.5 miles with 6 main check structures and 16 primary headgates; (2) 23.5 miles of lateral pipelines with 15 miles of lateral canals and 25 canal turnout structures; (3) 44 miles of drainage channels with service roads; (4) 12 irrigation wells (only 4 are useable); (5) 2 storage reservoirs and 2 sump ponds with 3 capable of pumping.

Since June 1999, the SRPMIC and its representatives have had numerous discussions, consultations and negotiations with the Department of the Interior to reach a common understanding and agreement on legislative language to transfer the ownership of the irrigation works to the SRPMIC, as well as any remaining authority and responsibility that the Secretary has regarding the administration of such works, except for the Secretary's trust responsibilities.

H.R. 2820 with the proposed amended text changes to be considered by the House fairly balances the interests of the Department of the Interior and the Salt River Pima-Maricopa Indian Community.

The SRPMIC Water Code provides a detailed method of distributing and using this limited and sometimes scarce resource. Combined with the irrigation regulations and assessment schedule adopted by the SRPMIC tribal council, they appear to provide for fair treatment, equitable allocation and sensitive use of this important resource.

The Community contends that the rights of allotted landowners will be enhanced by the operation of the system by the SRPMIC. And, while it appears that is the case, the legislation includes ample safeguards to help insure that allottee rights are protected.

The SRPMIC has been operating the irrigation works project for nearly three years. By doing so, as well as by its operating other businesses, it has demonstrated its ability to manage and operate the system. Its reputation is one that instills confidence that the Community is clearly capable of operating, and is expected to operate, the irrigation works efficiently, effectively, and equitably.

For the Community to operate this former BIA project and make it relevant in this millennium, the SRPMIC should have full

responsibility and ownership of the irrigation works. The United States trust responsibility will continue unimpaired to the SRPMC, to individual Indians, and to Indian allottees, as provided for in the legislation even as the Community assumes full ownership of and operations for the irrigation works.

In furtherance of the United States policies of self-governance, self-determination and economic self-sufficiency with respect to American Indians, H.R. 2820, as amended, should be passed by the Congress of the United States and sent to the President, who is expected to sign the bill into law based upon the attached Departmental letter report supporting the bill.

BILL SUMMARY

Section 1. Findings. The findings section sets forth the underlying considerations that are the backdrop for the enactment of this legislation. At its core, the bill recognizes the federal policies of Indian self-determination, economic self-sufficiency and self-governance and that the conveyance of the irrigation works is in furtherance of those policies. The findings also recognize and adhere to the trust responsibilities of the United States to Indian tribes. They recognize that the irrigation works are primarily a system of canals, ditches, wells, storage reservoirs and sump ponds on Reservation land. They convey too that, considering the community has been operating the works since 1997, the conveyance is viewed by Congress as an administrative action. The findings take cognizance of the fact that the Community's amended Water Code is currently in compliance with Section 2b. of the legislation.

Section 2. Conveyance and Operation of Irrigation Works. (a) Conveyance: The Secretary is directed to convey the irrigation works to the Community in accordance with the legislation and other applicable law. The intent of this provision is to ensure that, while applicable law is to be fully adhered to, it is contemplated that the process involved should be a straightforward, relatively uncomplicated, and inexpensive administrative procedure. This is especially so given the nature of the facilities being conveyed and that the Community has been operating the irrigation works for the past three years.

The bill language provides for the Community to continue as it is doing currently and retaining and expending operations and maintenance collections to be used for irrigation works purposes. Once the conveyance takes place, the bill language recognizes that the Community will then have full ownership of and operating authority over the irrigation works as provided in the bill.

(b) Fulfillment of Federal Trust Responsibilities: A key provision of this legislation provides a balance between the need of the Community to be able to operate the irrigation works during the year 2000 and beyond and the need of the United States to be able to fulfill its trust responsibilities to Indian tribes, individual Indians and Indians with trust allotments. The language seeks to accomplish this by requiring that the Community's laws and regulations regarding management, regulation and control of water resources on the Reservation contain certain basic requirements and standards. The Community has currently brought its Water Code into compliance with the requirements and standards contained in the legislation (that amended Water Code is, and will be, on file with the Committee on Resources and the U.S. Department of the Interior). The two key requirements and standards are as follows:

(1) This paragraph requires that a process continue to be included in the Community's

laws and regulations to provide members of the Community, including allottees, a water system that, in turn, will provide a just and equitable distribution of water to achieve the goals of maximum beneficial use and conservation of water, while factoring in such considerations as the demand on the water resource, land use changes, and the varying quantity of water available to the Community.

(2) This paragraph requires that a due process system continue to be included in the Community's laws and regulations to ensure the consideration and determination of a request from an Indian or Indian allottee for distribution of water for use on his or her land. It also requires that such laws and regulations continue to be provided through an appellate process, including a means for adjudicating denied or disputed distributions of water and resolution of contested administrative decisions.

(c) Subsequent Modification of Laws and Regulations: The bill seeks to ensure that if the Community needs to or seeks to amend its laws and regulations after the legislation is enacted, there be a process by which that should be carried out. That process would involve generally a notice and wait procedure. The community would publish the proposed changes, and make them available to the Secretary at least 120 days before the effective date of the changes. The process also requires that, if a proposed change could "significantly adversely affect" the rights of allottees, then it would take the concurrence of both the Community and the Secretary in order for such changes to become effective. Although it is not expected that the community will need to amend its Code as it pertains to this subsection, it may. It is expected, however, that the Secretary will not seek to utilize this provision unless there were to be, indeed, a proposed change to the Community's Water Code that could significantly adversely affect allottee rights.

(d) Limitations on Liability: This subsection provides that the United States is not liable for damages based on the Community's ownership and operation of the irrigation works except for those damages caused by acts of negligence by the United States before the date of enactment. Also, the subsection makes clear that nothing in the subsection should be construed to increase the liability of the United States beyond what is provided in the Federal Tort Claims Act.

(e) Cancellation of charges: As has been the case in similar, although not identical, legislation in the past, as of the conveyance date, the charges for construction for the irrigation works deferred under 25 USC 386 are canceled. This is also, in part, in recognition that this project is comprised of deteriorating laterals, ditches, sump ponds, reservoirs and a few wells, some of which do not work currently, and some of the ditches are not even lined. The irrigation works is an aging gravity-fed system. It dates back to the early 1900s. In recent years the Community has contributed funds (as opposed to appropriated funds), that have been devoted to the refurbishment of the works. The construction funds committed to the project by the United States have long ago been more than amortized. By the Community assuming full responsibilities for the works, it is recognized that the United States is taking the next logical step to complete the process begun several years ago which resulted in 1997 with the transfer of operational management to the Community. If the United States were not to take this next step, the Community has indicated that it would be compelled to seek retroceding the irrigation works to the United States at significant costs to the United States. In such an eventuality, the U.S. would need to assign Bu-

reau of Indian Affairs employees to operate the works and commit federal funds to the works' refurbishment.

(f) Project No Longer a BIA Project: The legislation provides that, once the conveyance has occurred, the irrigation works will not be eligible for federal benefits "based solely on the fact that the irrigation works were formerly" a BIA irrigation project. It also recognizes though that the legislation is not to be interpreted to limit or reduce in any way funds the Community may be eligible to receive under other federal law.

Section 3. Relationship to Other Laws: This section makes clear that the provisions of this legislation are not to be construed to "diminish the trust responsibility of the United States" to the Community, to individual Indians or to Indian allottees within the Reservation.

Enclosures: (1) Section-by-Section analysis; (2) Departmental Report on H.R. 2820: Letter from Hon. David J. Hayes, Deputy Secretary, U.S. Department of the Interior to Chairman Don Young, Committee on Resources; (3) Resolution of Salt River Pima-Maricopa Indian Community Tribal Council.

SECTION-BY-SECTION ANALYSIS

Section 1. Findings. This section expresses the findings of the Congress that—in light of a number of considerations, including that, in fulfillment of federal trust responsibility to Indian tribes, it is the policy of the United States to promote Indian self-determination and economic self-sufficiency—it is appropriate that the U.S. convey to the Community the irrigation works.

Section 2. Conveyance and Operation of Irrigation Works.

(a) Conveyance. This subsection authorizes and directs the Secretary to convey to the Community all rights and interests of the U.S. to the irrigation works. It further provides the authority for the Community to continue operating the irrigation works during the period from the date of enactment until the conveyance in accordance with this Act and 25 USC §450, including retaining and expending operations and maintenance collections for irrigation works purposes.

(b) Fulfillment of Federal Indian Trust Responsibilities. This subsection provides that to assure compliance with federal trust responsibilities, the Community will operate the irrigation works under this Act and the Community's laws and regulations to assure fairness in the delivery of water to water users. It provides that the Community laws and regulations must continue to include—

(1) A process in which all members of the Community are provided a system of distribution, allocation, control, pricing and regulation of water that will in turn, provide a just and equitable distribution of water to attain the maximum use and conservation of water; and

(2) A due process system to deal with requests by Indians and Indian allottees for distribution of water.

(c) Subsequent Modification of Laws and Regulations. This subsection provides that, if the Community's laws and regulations are modified after the date of enactment of this Act, the proposed modifications will be published and made available to the Secretary before the effective date of those laws and regulations. Additionally, the subsection requires that the Community and the Secretary concur in any proposed changes that could significantly adversely affect the rights of allottees.

(d) Limitations of Liability. This subsection sets forth the limits on the liability of the United States for damages from the Community's ownership and operation of the irrigation works.

(e) Cancellation of Charges. This subsection provides for the cancellation of certain charges deferred under 25 USC §386(a) for construction of the irrigation works.

(f) Project No Longer BIA Project. This subsection provides that, after conveyance, the irrigation works will no longer be a Bureau of Indian Affairs project and therefore not eligible for federal benefits based only on its status as a former BIA project.

Section 3. Relationship to Other Laws. This section ensures that nothing in this Act diminishes the federal Indian Trust Responsibility on the Community's Reservation.

THE DEPUTY SECRETARY

OF THE INTERIOR,

Washington, DC, September 20, 2000.

Hon. DON YOUNG,

Chairman, Resources Committee,

House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter sets forth the views of the Department of the Interior on 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. We understand that the Salt River Pima Maricopa Indian Community (Community) will request that the attached bill be introduced as a substitute for H.R. 2820.

The Department intends to support the attached substitute bill which represents a compromise reached between the Department and the Community with respect to original provisions of H.R. 2820 that were objectionable to the Department. Our support is contingent on the enactment by the Community of the attached amendments to its water code that will bring the code into compliance with the provisions of the substitute bill. We understand that the Community intends to enact these amendments to its water code before or shortly after the substitute bill is introduced. We recommend that action on the bill await assurances that the necessary changes to the Community water code have been made.

Finally, the Department suggests Section 2(d) of the substitute bill be amended by removing "employees, agents, or contractors" from the clause.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DAVID J. HAYES.

Enclosures.

RESOLUTION

Whereas, the Congress of the United States has under consideration the passage of H.R. 2820 to convey to the Salt River Pima Maricopa Indian Community ("Community") the irrigation works formerly owned and operated by the Bureau of Indian Affairs and located on Community tribal and allottee land; and

Whereas, as a result of negotiations that led to the development of H.R. 2820, and amendments thereto, the legislation's language contemplates that the Community will adopt certain amendments to its Surface Water Management Code prior to enactment of the legislation: Now, Therefore be it

Resolved, That the Community hereby adopts the attached amendments to this Surface Water Management Code; and be it

Resolved further, That such amendments are to become effective immediately;

Resolved further, That, if substitute legislation for H.R. 2820 (1) is not passed by the Congress prior to the adjournment *sine die* of the 106th Congress, or (2) if so passed by Congress, but is not signed into law during the 106th Congress, the approval by the Commu-

nity of these amendments shall become null and void.

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

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

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

(3) 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, 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 25 U.S.C. §385, 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 States to the Community, the Community shall operate the irrigation works under the provisions set forth in this Act and in accordance with the Indian Self Determination and Education Assistance Act (25 U.S.C. §450 et seq.), including retaining and expending operations and maintenance collections for irrigation works purposes. Effective upon the date of conveyance of the irrigation works, the Community shall have the full ownership of and operating authority over the irrigation works in accordance with the provisions of this Act.

(b) FULLFILLMENT OF FEDERAL TRUST RESPONSIBILITIES.—To assure compliance with the federal upon the concurrence of both the Community and the Secretary.

(d) LIMITATIONS OF LIABILITY.—Effective upon the date of enactment of this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on the Community's ownership or operation of the irrigation works, except for damages caused by acts of negligence committed by the United States prior to the date of enactment of this Act. Nothing in this section shall be deemed to increase the liability of the United States beyond that currently provided in the Federal Tort Claims Act, 28 U.S.C. §2671 et seq.

(e) CANCELLATION OF CHARGES.—Effective upon the date of conveyance of the irrigation works on the Reservation of the Community that have been deferred pursuant to 25 U.S.C. §386a are hereby canceled.

(f) PROJECT NO LONGER A BIA PROJECT.—Effective upon the date of conveyance of the irrigation works under this section, the irrigation works shall no longer be considered a Bureau of Indian Affairs irrigation project and the facilities will not be eligible for federal benefits based solely on the fact that the irrigation works were formerly a Bureau of Indian Affairs irrigation project. Nothing in this Act shall be construed to limit or reduce in any way the service, contracts, or funds the Community may be eligible to receive under other applicable federal law.

SEC 3. RELATIONSHIP TO OTHER LAWS

Nothing in this Act shall be construed to diminish the trust responsibility of the United States under applicable law to the Salt River Pima-Maricopa Indian Community, to individual Indians, or to Indians with trust allotments within the Community's Reservation.

□ 2000

Mr. FALEOMAVAEGA. 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 (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. 2820, 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.

AUTHORIZING MEMORIAL AND GARDENS IN HONOR AND COMMEMORATION OF FREDERICK DOUGLASS

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5331) to authorize the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass.

The Clerk read as follows:

H.R. 5331

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

SECTION 1. MEMORIAL AND GARDENS TO HONOR AND COMMEMORATE FREDERICK DOUGLASS.

(a) MEMORIAL AND GARDENS AUTHORIZED.—The Frederick Douglass Gardens, Inc., is authorized to establish a memorial and gardens on lands under the administrative jurisdiction of the Secretary of the Interior in the District of Columbia or its environs in honor and commemoration of Frederick Douglass.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the Frederick Douglass memorial and gardens shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.).

(c) PAYMENT OF EXPENSES.—The Frederick Douglass Gardens, Inc., shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial and gardens. No Federal funds may be used to pay any expense of the establishment of the memorial and gardens.

(d) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the memorial and gardens (including the maintenance and preservation amount required under section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b)), or upon expiration of the authority for the memorial and gardens under section 10(b) of such Act (40 U.S.C. 1010(b)), there remains a balance of funds received for the establishment of the memorial and gardens, Frederick Douglass Gardens, Inc., shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act (40 U.S.C. 1008(b)(1)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr.