

Such land shall be contiguous to adjacent National Forest System lands and in reasonably compact tracts.

(e) **CONDITIONS.**—The offer and conveyance of Federal lands to Cape Fox in the exchange shall, notwithstanding section 14(f) of ANCSA, be of the surface and subsurface estate, but subject to valid existing rights and all other provisions of section 14(g) of ANCSA.

(f) **TIMING.**—The Secretary of Agriculture shall attempt, within 90 days after the date of enactment of this Act, to enter into an agreement with Cape Fox to consummate the exchange consistent with this Act. The lands identified in the exchange agreement shall be exchanged by conveyance at the earliest possible date after the exchange agreement is signed. Subject only to conveyance from Cape Fox to the United States of all its rights, title and interests in the Cape Fox lands included in the exchange consistent with this Act, the Secretary of the Interior shall complete the interim conveyance to Cape Fox of the federal lands included in the exchange within 180 days after the execution of the exchange agreement by Cape Fox and the Secretary of Agriculture.

#### **SEC. 6. EXCHANGE OF LANDS BETWEEN SEALASKA AND THE TONGASS NATIONAL FOREST.**

(a) **GENERAL.**—Upon conveyance of the Cape Fox lands included in the exchange under section 5 and conveyance and relinquishment by Sealaska in accordance with this Act of the lands and interests in lands described in subsection (c), the Secretary of the Interior shall convey to Sealaska the federal lands identified for exchange under subsection (b).

(b) **LANDS TO BE EXCHANGED TO SEALASKA.**—The lands to be exchanged to Sealaska are to be selected by Sealaska from Tongass National Forest lands comprising approximately 9,329 acres in T. 36 S., R. 62 E., C.R.M., T. 35 S., R. 62 E., C.R.M., and T. 34 S., Range 62 E., C.R.M., as designated upon a map entitled "Proposed Sealaska Corporation Land Exchange Kensington Lands Selection Area," dated April 2002 and available for inspection in the Forest Service Region 10 Regional Office in Juneau, Alaska. Within 60 days after receiving notice of the identification by Cape Fox of the exchange lands under Section 5(c), Sealaska shall be entitled to identify in writing to the Secretaries of Agriculture and the Interior the lands that Sealaska selects to receive in exchange for the Sealaska lands described in subsection (c). Lands selected by Sealaska shall be in no more than two contiguous and reasonably compact tracts that adjoin the lands described for exchange to Cape Fox in section 5(b). The Secretary of Agriculture shall determine whether these selected lands are equal in value to the lands described in subsection (c) and may adjust the amount of selected lands in order to reach agreement with Sealaska regarding equal value. The exchange conveyance to Sealaska shall be of the surface and subsurface estate in the lands selected and agreed to by the Secretary but subject to valid existing rights and all other provisions of section 14(g) of ANCSA.

(c) **LANDS TO BE EXCHANGED TO THE UNITED STATES.**—The lands and interests therein to be exchanged by Sealaska are the subsurface estate underlying the Cape Fox exchange lands described in section 5(c), an additional approximately 2,506 acres of the subsurface estate underlying Tongass National Forest surface estate, described in Interim Conveyance No. 1673, and rights to be additional approximately 2,698 acres of subsurface estate of Tongass National Forest lands remaining to be conveyed to Sealaska from Group 1, 2 and 3 lands as set forth in the Sealaska Corporation/United States Forest Service Split Estate Exchange Agreement of November 26, 1991, at Schedule B, as modified on January 20, 1995.

(d) **TIMING.**—The Secretary of Agriculture shall attempt, within 90 days after receipt of the selection of lands by Sealaska under subsection

(b), to enter into an agreement with Sealaska to consummate the exchange consistent with this Act. The lands identified in the exchange agreement shall be exchanged by conveyance at the earliest possible date after the exchange agreement is signed. Subject only to the Cape Fox and Sealaska conveyances and relinquishments described in subsection (a), the Secretary of the Interior shall complete the interim conveyance to Sealaska of the federal lands selected for exchange within 180 days after execution of the agreement by Sealaska and the Secretary of Agriculture.

(e) **MODIFICATION OF AGREEMENT.**—The executed exchange agreement under this section shall be considered a further modification of the Sealaska Corporation/United States Forest Service Split Estate Exchange Agreement, as ratified in section 17 of Public Law 102-415 (October 14, 1992).

#### **SEC. 7. MISCELLANEOUS PROVISIONS.**

(a) **EQUAL VALUE REQUIREMENT.**—The exchanges described in this Act shall be of equal value. Cape Fox and Sealaska shall have the opportunity to present to the Secretary of Agriculture estimates of value of exchange lands with supporting information.

(b) **TITLE.**—Cape Fox and Sealaska shall convey and provide evidence of title satisfactory to the Secretary of Agriculture for their respective lands to be exchanged to the United States under this Act, subject only to exceptions, reservations and encumbrances in the interim conveyance or patent from the United States or otherwise acceptable to the Secretary of Agriculture.

(c) **HAZARDOUS SUBSTANCES.**—Cape Fox, Sealaska, and the United States each shall not be subject to liability for the presence of any hazardous substance in land or interests in land solely as a result of any conveyance or transfer of the land or interests under this Act.

(d) **EFFECT ON ANCSA SELECTIONS.**—Any conveyance of federal surface or subsurface lands to Cape Fox or Sealaska under this Act shall be considered, for all purposes, land conveyed pursuant to ANCSA. Nothing in this Act shall be construed to change the total acreage of land entitlement of Cape Fox or Sealaska under ANCSA. Cape Fox and Sealaska shall remain charged for any lands they exchange under this Act and any lands conveyed pursuant to section 4, but shall not be charged for any lands received under section 5 or section 6. The exchanges described in this Act shall be considered, for all purposes, actions which lead to the issuance of conveyances to Native Corporations pursuant to ANCSA. Lands or interests therein transferred to the United States under this Act shall become and be administered as part of the Tongass National Forest.

(e) **EFFECT ON STATEHOOD SELECTIONS.**—Lands conveyed to or selected by the State of Alaska under the Alaska Statehood Act (Public Law 85-508; 72 Stat. 339; 48 U.S.C. note prec. 21) shall not be eligible for selection or conveyance under this Act without the consent of the State of Alaska.

(f) **MAPS.**—The maps referred to in this Act shall be maintained on file in the Forest Service Region 10 Regional Office in Juneau, Alaska. The acreages cited in this Act are approximate, and if there is any discrepancy between cited acreage and the land depicted on the specified maps, the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.

(g) **EASEMENTS.**—Notwithstanding section 17(b) of ANCSA, federal lands conveyed to Cape Fox or Sealaska pursuant to this Act shall be subject only to the reservation of public easements mutually agreed to and set forth in the exchange agreements executed under this Act. The easements shall include easements necessary for access across the lands conveyed under this Act for use of national forest or other public lands.

(h) **OLD GROWTH RESERVES.**—The Secretary of Agriculture shall add an equal number of acres to old growth reserves on the Tongass National Forest as are transferred out of Federal ownership as a result of this Act.

#### **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

(a) **DEPARTMENT OF AGRICULTURE.**—There are authorized to be appropriated to the Secretary of Agriculture such sums as may be necessary for value estimation and related costs of exchanging lands specified in this Act, and for road rehabilitation, habitat and timber stand improvement, including thinning and pruning, on lands acquired by the United States under this Act.

(b) **DEPARTMENT OF THE INTERIOR.**—There are authorized to be appropriated to the Secretary of the Interior such sums as may be necessary for land surveys and conveyances pursuant to this Act.

Mr. REID. Mr. President, I understand Senator BINGAMAN has a substitute amendment at the desk. I ask unanimous consent that the amendment be considered and agreed to, the motion to reconsider be laid on the table; that the committee-reported substitute, as amended, be agreed to, the motion to reconsider be laid on the table, that the bill, as amended, be read three times and passed, the motion to reconsider be laid on the table; that there be no intervening action or debate, and that any statements related thereto be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 4977) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2222), as amended, was read the third time and passed.

#### **FREMONT-MADISON CONVEYANCE ACT**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 645, S. 2556.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2556) to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in Italic.]

S. 2556

*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 "Fremont-Madison Conveyance Act".**

**SEC. 2. DEFINITIONS.**

**IN** this Act:

**(1) AGREEMENT.**—The term “Agreement” means the memorandum of agreement between the Secretary and the District identified as Contract No. 1425-01-MA-10-3310, and dated September 13, 2001.

**(2) DISTRICT.**—The term “District” means the Fremont-Madison Irrigation District, an irrigation district organized under State law.

**(3) FACILITY.**—The term “facility” means—

**(A)** the Cross Cut Diversion Dam, the Cross Cut Canal, and the Teton Exchange Wells in the State;

**(B)** any canal, lateral, drain, or other component of the water distribution and drainage system that, on the date of enactment of this Act, is operated or maintained by the District to deliver water to and drainage of water from land within the boundaries of the District; and

**(C)** with respect to the Teton Exchange Wells—

**(i)** Idaho Department of Water Resources permit number 22-7022, including drilled wells under the permit, as described in the Agreement; and

**(ii)** any appurtenant equipment.

**(4) SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

**(5) STATE.**—The term “State” means the State of Idaho.

**SEC. 3. CONVEYANCE OF FACILITIES.**

**(a) IN GENERAL.**—As soon as practicable after the date of enactment of this Act, but not later than September 13, 2003, subject to applicable laws and in accordance with the Agreement, the Secretary shall convey to the District all right, title, and interest of the United States in and to the facilities.

**(b) CONSIDERATION.**—

**(1) IN GENERAL.**—In exchange for the conveyance of the facilities under subsection (a), the District shall pay to the Secretary an amount equal to the lesser of—

**(A)** the net value of any remaining obligations owed to the United States by the District with respect to the facilities conveyed, as determined on the date of the conveyance; or

**(B)** \$280,000.

**(2) ADMINISTRATIVE COSTS.**—

**(A) IN GENERAL.**—In addition to amounts paid to the Secretary under paragraph (1), the District shall pay to the Secretary, subject to subparagraph (B), any administrative costs incurred by the Secretary in conveying the facilities, including the costs of carrying out a review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

**(B) LIMITATION.**—The District shall pay to the Secretary not more than \$40,000 in administrative costs under subparagraph (A).

**(3) DEPOSIT.**—Amounts received by the Secretary under paragraph (1) or (2) shall be deposited in the reclamation fund established under the first section of the Act of June 17, 1902 (43 U.S.C. 391).

**(c) CONDITION.**—As a condition of the conveyance under subsection (a), the Secretary shall, not later than the date on which the facilities are conveyed, comply with any applicable requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

**SEC. 4. LIABILITY.**

**(a) IN GENERAL.**—Beginning on the date on which the facilities are conveyed under section 3(a), the United States shall not be liable, except as provided in subsection (b), under any Federal or State law for damage from any act, omission, or occurrence relating to the facilities.

**(b) EXCEPTION.**—Notwithstanding subsection (a), the United States shall be liable

for damage caused by acts of negligence committed by the United States or by an employee, agent, or contractor of the United States, before the date on which the facilities are conveyed under section 3(a).

**(c) FEDERAL TORT CLAIMS.**—Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”) as in effect on the date of enactment of this Act.

**SEC. 5. WATER SUPPLY TO DISTRICT LAND.**

**(a) IN GENERAL.**—The Secretary shall increase, by a quantity equal to the number of acres that are in the District on the date of enactment of this Act, the number of acres in the District that are eligible to receive water from the Minidoka Project and the Teton Basin Project.

**(b) EXTENSION OF WATER SERVICE CONTRACT.**—The water service contract between the Secretary and the District, numbered 7-07-10-W0179, and dated September 16, 1977, is extended until the date on which the conditions of this Act are fulfilled, as determined by the Secretary.

**(c) EFFECT.**—This section does not authorize the use of any additional water from a project carried out under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)) beyond that which is authorized on the date of enactment of this Act under—

**(1)** water storage contracts; and

**(2)** State water law.

**SEC. 6. EFFECT.**

**EXCEPT** as specifically provided in this Act, nothing in this Act affects—

**(1)** the rights of any person with respect to the facilities; or

**(2)** any contract executed by the United States or under State law with respect to any right of an irrigation district to use water made available by the facilities conveyed under this Act.

**SEC. 7. REPORT.**

**IF** the Secretary has not conveyed the facilities to the District by the date that is 1 year after the date of enactment of this Act, the Secretary shall, not later than that date, submit to Congress a report that—

**(1)** explains the reasons why the conveyance has not been completed; and

**(2)** specifies the date by which the conveyance is proposed to be completed.

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the “Fremont-Madison Conveyance Act”.*

**SEC. 2. DEFINITIONS.**

**IN** this Act:

**(1) DISTRICT.**—The term “District” means the Fremont-Madison Irrigation District, an irrigation district organized under the law of the State of Idaho.

**(2) SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

**SEC. 3. CONVEYANCE OF FACILITIES.**

**(a) CONVEYANCE REQUIREMENT.**—The Secretary of the Interior shall convey to the Fremont-Madison Irrigation District, Idaho, pursuant to the terms of the memorandum of agreement (MOA) between the District and the Secretary (Contract No. 1425-0901-09MA-0910-093310), all right, title, and interest of the United States in and to the canals, laterals, drains, and other components of the water distribution and drainage system that is operated or maintained by the District for delivery of water to and drainage of water from lands within the boundaries of the District as they exist upon the date of enactment of this Act, consistent with section 8.

**(b) REPORT.**—If the Secretary has not completed any conveyance required under this Act

by September 13, 2003, the Secretary shall, by no later than that date, submit a report to the Congress explaining the reasons that conveyance has not been completed and stating the date by which the conveyance will be completed.

**SEC. 4. COSTS.**

**(a) IN GENERAL.**—The Secretary shall require, as a condition of the conveyance under section 3, that the District pay the administrative costs of the conveyance and related activities, including the costs of any review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), as described in Contract No. 1425-0901-09MA-0910-093310.

**(b) VALUE OF FACILITIES TO BE TRANSFERRED.**—In addition to subsection (a) the Secretary shall also require, as a condition of the conveyance under section 2, that the District pay to the United States the lesser of the net present value of the remaining obligations owed by the District to the United States with respect to the facilities conveyed, or \$280,000. Amounts received by the United States under this subsection shall be deposited into the Reclamation Fund.

**SEC. 5. TETON EXCHANGE WELLS.**

**(a) CONTRACTS AND PERMIT.**—In conveying the Teton Exchange Wells referenced in section 3, the Secretary shall also convey to the District—

**(1)** Idaho Department of Water Resources permit number 22-097022, including drilled wells under the permit, as described in Contract No. 1425-0901-09MA-0910-093310; and

**(2)** all equipment appurtenant to such wells.

**(b) EXTENSION OF WATER SERVICE CONTRACT.**—The water service contract between the Secretary and the District (Contract No. 7-0907-0910-09W0179, dated September 16, 1977) is hereby extended and shall continue in full force and effect until all conditions described in this Act are fulfilled.

**SEC. 6. ENVIRONMENTAL REVIEW**

Prior to conveyance the Secretary shall complete all environmental reviews and analyses as set forth in the MOA.

**SEC. 7. LIABILITY.**

Effective on the date of the conveyance the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed facilities, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors prior to the date of conveyance. Nothing in this section may increase the liability of the United States beyond that currently provided in chapter 171 of title 28, United States Code.

**SEC. 8. WATER SUPPLY TO DISTRICT LANDS.**

The acreage within the District eligible to receive water from the Minidoka Project and the Teton Basin Projects is increased to reflect the number of acres within the District as of the date of enactment of this Act, including lands annexed into the District prior to enactment of this Act as contemplated by the Teton Basin Project. The increase in acreage does not alter deliveries authorized under their existing water storage contracts and as allowed by State water law.

**SEC. 9. DROUGHT MANAGEMENT PLANNING.**

Within 60 days of enactment of this Act, in collaboration with stakeholders in the Henry's Fork watershed, the Secretary shall initiate a drought management planning process to address all water uses, including irrigation and the wild trout fishery, in the Henry's Fork watershed. Within 18 months of enactment of this Act, the Secretary shall report to Congress with a final drought management plan.

**SEC. 10. EFFECT.**

**(a) IN GENERAL.**—Except as provided in this Act, nothing in this Act affects—

**(1)** the rights of any person; or

**(2)** any right in existence on the date of enactment of this Act of the Shoshone-Bannock

*Tribes of the Fort Hall Reservation to water based on a treaty, compact, executive order, agreement, the decision in Winters v. United States, 207 U.S. 564 (1908) (commonly known as the "Winters Doctrine"), or law.*

(b) *CONVEYANCES.—Any conveyance under this Act shall not affect or abrogate any provision of any contract executed by the United States or State law regarding any irrigation district's right to use water developed in the facilities conveyed.*

Mrs. FEINSTEIN: Mr. President, I rise today in support of legislation to authorize the Secretary of the Interior and other Federal agency heads to carry out activities during fiscal years 2003 through 2005 to implement the Calfed Bay-Delta Program. This program is of tremendous importance to my home State of California. Its mission is to develop and implement a long-term comprehensive plan that will improve water management for the Bay-Delta and restore its ecological health. The program has several goals: improving water supply reliability, including additional water storage and conveyance; protecting drinking water quality; restoring ecological health; and protecting Delta levees.

Mr. President, on August 28, 2000, the Federal Government and the State of California entered into a Record of Decision (ROD) which selects a preferred program alternative for the Calfed Bay-Delta Program, setting forth the overall direction of this program. Under the ROD, the Calfed agencies (comprised of both Federal and State agencies) will proceed with the specific actions in Stage 1, which covers the first 7 years of this program. This legislation authorizes those Stage 1 actions which are to take place in fiscal years 2003 through 2005 for which there are appropriations. A fundamental tenet of this program is that all program elements proceed in a balanced manner. The Record of Decision explicitly requires balance in carrying out the program.

While the provision that the Senate is considering today is scaled back from the bills that I have previously introduced on this matter, the intent of the legislation is the same: to provide that the Calfed Program be carried out in a balanced manner consistent with the Record of Decision of August 28, 2000, including the principles and schedules stated therein, and other applicable law. I want to clarify that this provision in no way affects or modifies any other authority that an agency has to carry out activities related to, or in furtherance of, the Calfed Program.

Finally, this legislation would provide authority to the Secretary of the Interior and the other Federal agency heads identified in the ROD to participate in the Calfed Bay-Delta Authority established by the California Bay-Delta Authority Act, to the extent not inconsistent with other law.

Mr. President, early next Congress, Senator KYL and I plan to introduce additional Calfed authorizing legisla-

tion on which we have collaborated that would provide greater specificity. I thank Senator KYL for his willingness to work with me on this important matter.

Mr. President, I am pleased that the Senate is favorably considering this legislation today. The Calfed Bay-Delta Program enjoys broad-based support in California and is vital to the future of the State.

Mrs. BOXER: Mr. President, I am pleased today that the Senate is passing legislation to authorize the Secretary of the Interior and other Federal agency heads to participate in the implementation of the CALFED Bay-Delta Program.

For decades, water allocation in California was conducted through endless appeals, lawsuits, and divisive ballot initiatives. Such battles were painful and they prevented us from finding real solutions to our state's very real water problems. In 1994, a new state-federal partnership program called CALFED promised a better way. Through a plan to provide reliable, clean water to farms, businesses, and millions of Californians while at the same time restoring our fish, wildlife and environment, CALFED was committed to identifying a solution that all water users could share.

Over the years, what has made CALFED work is that it employs a consensus approach that balances the needs of the various interests competing for California's scarce water resources. This balance is most clearly articulated in the Record of Decision (ROD) that was agreed to on August 28, 2000 by the Federal Government and the State of California. The CALFED ROD outlines clearly the CALFED Bay-Delta Programs' goals and repeatedly reiterates the need to move forward with these goals in a balanced manner.

This legislation authorizes the federal agencies to undertake the actions and activities identified in the ROD. It is our intent that all activities are to be implemented in a manner consistent with the ROD. This legislation is not intended to authorize activities, such as major construction projects, that would otherwise require completion of feasibility studies, permits under section 404(a) of the Clean Water Act and other applicable laws, and project-specific authorizations. In addition, the legislation requires that federal participation in the CALFED Bay-Delta Program proceed in a way that is consistent with other laws.

I want to particularly thank my colleague, Senator FEINSTEIN, for her continued leadership on this legislation. This bill will help insure that the CALFED Bay-Delta Program continues to play a vital role in meeting California's water needs.

AMENDMENT NO. 4978

Mr. REID: Senator BINGAMAN has a substitute at the desk. I ask unanimous consent that the amendment be agreed to, the motion to reconsider be

laid upon the table, the committee-reported substitute, as amended, be agreed to, and the motion to reconsider be laid upon the table, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon table, with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 4978) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2556), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

#### CONVEYANCE OF CERTAIN PUBLIC LANDS IN THE STATE OF ALASKA TO THE UNIVERSITY OF ALASKA

Mr. REID: Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 640, S. 1816.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1816) to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID: Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 1816) was read the third time and passed, as follows:

S. 1816

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

#### SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the University of Alaska is the successor to and the beneficiary of all Federal grants and conveyances to or for the Alaska Agricultural College and School of Mines;

(2) under the Acts of March 4, 1915, 38 Stat. 1214, and January 21, 1929, 45 Stat. 1091, the United States granted to the Territory of Alaska certain Federal lands for the University of Alaska;

(3) the Territory did not receive most of the land intended to be conveyed by the Act of March 4, 1915, before repeal of that Act by section 6(k) of the Alaska Statehood Act (Public Law 85-508, 72 Stat. 339);

(4) only one other State land grant college in the United States has obtained a smaller land grant from the Federal Government