

well as full compliance with other environmental laws, its reference in the legislation, its incorporation in the legislation, could be construed as a limitation on the scope of the environmental review. This part of the bill thus arguably legislatively prejudices that the project will pose no significant impacts and that an environmental assessment fulfills our NEPA requirement.

Similarly, in another part of the bill,

the bill would mandate that any environmental review be completed within 90 days after the date of enactment. This too prejudices the project that the project will not require a full environmental impact statement. Moreover, a portion of the work is being conducted by the Authority's contractor, and Reclamation has no control over the quality or timing of the contractor's project.

So there are, essentially, two concerns that the administration is raising about this bill which I bring to the House, which seems to me could be addressed by appropriate amendments. Those amendments have not come forth, and so at this point we object to the legislation.

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

Mr. THORNBERRY. Mr. Speaker, I have no further requests for time at this point, and I continue to reserve the balance of my time until the time on the other side is yielded back.

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

Mr. THORNBERRY. Mr. Speaker, I include the following two letters for the RECORD:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION, GREAT
PLAINS REGION, AUSTIN RECLAMA-
TION OFFICE,

Austin, TX, April 10, 1997.

Mr. JOHN WILLIAMS, P.E.,

*General Manager, Canadian River Municipal
Water Authority, Sanford, TX.*

Subject: Use of Project Conveyance Facilities—Canadian River Project, Texas.

DEAR MR. WILLIAMS: This is in reference to our letter dated February 21, 1997, concerning the augmentation of existing Canadian River Project (Project) water supplies with groundwater from wells located east of the Project. As explained in the letter, our preliminary evaluation indicated the lack of general authority to allow the use of reclamation project facilities for storing or conveying non-project water, and that such use of project facilities would require new or amendatory legislation.

A more comprehensive review of Reclamation laws has revealed existing statutes which provide sufficient authority to allow the incorporation of the proposed ground water project's facilities and water into the Canadian River Project. This can be accomplished administratively without further legislative action, but would require review, approval and compliance under existing processes and regulatory laws, including the National Environmental Policy Act.

If you would like to pursue the option outlined above, we recommend that a meeting be scheduled to discuss the administrative process required for incorporating the ground water project into existing facilities.

If you have any questions, or need any additional information, please contact me or Mike Martin of this office at telephone No. (512) 916-5641.

Sincerely,

ELIZABETH CORDOVA-HARRISON,
Area Manager.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION, GREAT
PLAINS REGION, OKLAHOMA-TEXAS
AREA OFFICE,

Oklahoma City, OK, February 21, 1997.

Mr. JOHN WILLIAMS, P.E.,

*General Manager, Canadian River Municipal
Water Authority, Sanford, TX.*

Subject: Use of Project Facilities for Conveyance of Non-Project Water, Canadian River Project, Texas.

DEAR MR. WILLIAMS: This follow up letter is in reference to our meeting at your office on January 22, 1997, during which we discussed various matters concerning the Canadian River Project. Among the issues covered were the transfer of title to project aqueduct facilities, project financial concerns, and the augmentation of existing project water supplies with groundwater from wells located in Hutchinson County, Texas. The need for compliance with provisions of the National Environmental Policy Act (NEPA) and other applicable statutes for title transfer and modification of a Federal project was also addressed.

We have reviewed existing laws relating to the use of Reclamation projects for storing or conveying non-project water (water from outside the originally authorized project). Based on this preliminary evaluation, it appears that the authority for allowing such use of project facilities is limited solely to water for irrigation purposes. Presently, we are without adequate authority to allow the use of Canadian River Project facilities for the storage or conveyance of non-project water for municipal and industrial purposes. Accordingly, the implementation of the current proposal to convey groundwater via the project pipeline would require new or amendatory legislative authority.

If you have any questions, or need any additional information, please contact me or Mike Martin at (512) 916-5641.

Sincerely,

ELIZABETH CORDOVA-HARRISON,
Area Manager.

Mr. Speaker, the final comment I would make is that there has been no suggestion by any party, anyone associated, that there is any environmental problem or potential problem associated here; and that is one of the reasons that I think the negotiations are currently going at a rapid pace.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. THORNBERRY] that the House suspend the rules and pass the bill, H.R. 2007, as amended.

The question was taken.

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

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2007, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas [Mr. THORNBERRY]? There was no objection.

MICCOSUKEE SETTLEMENT ACT OF 1997

Mr. THORNBERRY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1476) to settle certain Miccosukee Indian land takings claims within the State of Florida.

The Clerk read as follows:

H.R. 1476

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 "Miccosukee Settlement Act of 1997".

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds and declares that—

(1) there is pending before the United States District Court for the Southern District of Florida a lawsuit by the Miccosukee Tribe which involves the taking of certain tribal lands in connection with the construction of highway interstate 75 by the Florida Department of Transportation;

(2) the pendency of this lawsuit clouds title of certain lands used in the maintenance and operation of the highway and hinders proper planning for future maintenance and operations;

(3) the Florida Department of Transportation, with the concurrence of the board of trustees of the Internal Improvements Trust Fund of the State of Florida, and the Miccosukee Tribe have executed an agreement for the purpose of resolving the dispute and settling the lawsuit, which agreement requires consent of the Congress in connection with contemplated land transfers;

(4) the settlement agreement is in the interests of the Miccosukee Tribe in that the tribe will receive certain monetary payments, new reservation land to be held in trust by the United States, and other benefits;

(5) land received by the United States pursuant to the settlement agreement is in consideration of Miccosukee Indian Reservation land lost by the Miccosukee Tribe by virtue of transfer to the Florida Department of Transportation under the settlement agreement, and such United States land therefore shall be held in trust by the United States for the use and benefit of the Miccosukee Tribe as Miccosukee Indian Reservation land in compensation for the consideration given by the tribe in the settlement agreement; and

(6) Congress shares with the parties to the settlement agreement a desire to resolve the dispute and settle the lawsuit.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the terms "Miccosukee Tribe" and "tribe" mean the Miccosukee Tribe of Indians of Florida, a tribe of American Indians recognized by the United States and organized under section 16 of the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476), and recognized by the State of Florida pursuant to chapter 285, Florida Statutes;

(2) the term "Miccosukee land" means land held in trust by the United States for the use and benefit of the Miccosukee Tribe as Miccosukee Indian Reservation land which is identified pursuant to the settlement agreement for transfer to the Florida Department of Transportation;

(3) the term "Florida Department of Transportation" means the executive branch department and agency of the State of Florida

responsible for, among other matters, the construction and maintenance of surface vehicle roads, existing pursuant to section 20.23, Florida Statutes, with authority to execute the settlement agreement pursuant to section 334.044, Florida Statutes;

(4) the term "board of trustees of the Internal Improvements Trust Fund" means the agency of the State of Florida holding legal title to and responsible for trust administration of certain lands of the State of Florida, consisting of the Florida Governor, Attorney General, Commissioner of Agriculture, Commissioner of Education, Controller, Secretary of State, and Treasurer sitting as trustees;

(5) the term "State of Florida" means all agencies or departments of the State of Florida, including the Florida Department of Transportation and the board of trustees of the Internal Improvements Trust Fund, as well as the State itself as a governmental entity;

(6) the term "Secretary" means the United States Secretary of the Interior;

(7) the term "land transfers" means those lands identified in the settlement agreement for transfer from the United States to the Florida Department of Transportation and those lands identified in the settlement agreement for transfer from the State of Florida to the United States;

(8) the term "lawsuit" means the action in the United States District Court for the Southern District of Florida, entitled *Miccosukee Tribe of Indians of Florida v. State of Florida and Florida Department of Transportation*, et al., docket number 91-6285-Civ-Paine; and

(9) the terms "settlement agreement" and "agreement" mean those documents entitled "settlement agreement" (with incorporated exhibits), which identifies the lawsuit in the first paragraph, which was signed on page 15 therein on August 28, 1996, by Ben G. Watts (Secretary of the Florida Department of Transportation) and Billy Cypress (Chairman of the Miccosukee Tribe), and thereafter concurred in by the board of trustees of the Internal Improvements Trust Fund of the State of Florida.

SEC. 4. AUTHORITY OF SECRETARY.

As trustee for the Miccosukee Tribe, the Secretary shall:

(1) Aid and assist in the fulfillment of the settlement agreement at all times and in all reasonable manner, and cooperate with and assist the Miccosukee Tribe for this purpose.

(2) Upon finding that the settlement agreement is legally sufficient and that the State of Florida and its agencies have the necessary authority to fulfill the agreement, sign the settlement agreement on behalf of the United States, and have a representative of the Bureau of Indian Affairs sign the settlement agreement as well.

(3) Upon finding that all necessary conditions precedent to the transfer of Miccosukee land to the Florida Department of Transportation as provided in the settlement agreement have been or will be met so that the agreement has been or will be fulfilled but for the execution of this land transfer and related land transfers, transfer ownership of the Miccosukee land to the Florida Department of Transportation as provided in the settlement agreement, including in such transfer solely and exclusively that Miccosukee land identified in the settlement agreement for such transfer and no other land.

(4) Upon finding that all necessary conditions precedent to the transfer of Florida land to the United States have been or will be met so that the agreement has been or will be fulfilled but for the execution of this land transfer and related land transfers, re-

ceive and accept in trust for the use and benefit of the Miccosukee Tribe ownership of all land identified in the settlement agreement for transfer to the United States, constituting thereby Indian Reservation lands of the Miccosukee Tribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. THORNBERRY] and the gentleman from California [Mr. FARR] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. THORNBERRY].

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

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

Mr. Speaker, I rise in support of H.R. 1476, the proposed Miccosukee Settlement Act of 1977, which provides that Congress consents to a settlement agreement reached between the State of Florida, the Miccosukee Tribe, and the U.S. Department of the Interior involving the transfer of rights-of-way from the tribe to the State.

Included in the settlement agreement are provisions relating to airboat access to certain lands, the relocation of a microwave tower, interchange lighting at the Snake Road interchange, and the conveyance of 22.87 acres of land to the United States by the State of Florida.

Also included in the settlement agreement are provisions whereby the tribe agrees to dismiss certain litigation pending against the State and to release and forever discharge any and all claims the tribe may have against the Florida Department of Transportation and State of Florida in any way related to Interstate Highway 75.

Mr. Speaker, I believe this measure deserves the support of the House.

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

Mr. FARR of California. Mr. Speaker, I yield as much time as he may consume to the gentleman from Michigan [Mr. KILDEE], a long and experienced Member on these issues, distinguished Member of this House.

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding me time.

We also support passage of this act. This bill ratifies a 1996 settlement of a lawsuit between the Miccosukee Tribe in Florida over lands taken by the State for construction of Alligator Alley across the Everglades.

Under the terms of this agreement, the tribe gets \$2.1 million, 22 acres of land, and two rights-of-way, while the State gets several rights-of-way from the tribe for highway maintenance and release from the lawsuit. Congress is involved because the agreement calls for the Department of the Interior to approve the rights-of-way given to the State and to place the tribe's newly acquired lands into trust.

I am pleased that the tribe and State have reached this amicable agreement. I also applaud the diligence and hard work of the gentleman from Florida

[Mr. DIAZ-BALART]. I also note that the Committee on Resources held a hearing, and just prior to full committee markup the Department sent over several technical changes that have not yet been incorporated into the bill. These are not critical changes, but it is my hope that the Senate will give them fair consideration as it takes up the bill.

Mr. DIAZ-BALART. Mr. Speaker, H.R. 1476, The Miccosukee Settlement Act of 1997, approves and implements a settlement between the State of Florida and the Miccosukee Tribe of Indians of Florida regarding right-of-way usage and dredging during the construction of Interstate Highway I-75—"Alligator Alley"—across tribal lands in the Florida Everglades. This settlement authorizes the Secretary of the Interior to transfer title to certain strips of land used to dredge fill material for the construction of I-75 to the Florida Department of Transportation from its trust status, and in return directs the Secretary to take into trust for the Miccosukee Tribe as Miccosukee Indian Reservation several parcels of land as compensation.

This land transfer is fully endorsed by the Florida Governor and Cabinet, who sit jointly as the trustees for Florida land and who voted unanimously in favor of this settlement. The Tribe also receives approximately \$2 million, better access to its existing reservation through new access ramps on I-75, and airboat launch sites.

I am pleased that the State and the tribe have worked out a fair solution and I recommend passage of the bill.

Mr. THORNBERRY. Mr. Speaker, I have no further requests for time.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. THORNBERRY] that the House suspend the rules and pass the bill, H.R. 1476.

The question was taken.

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

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1476, the bill just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SMALL BUSINESS PROGRAMS RE-AUTHORIZATION AND AMENDMENTS ACT OF 1997

Mr. TALENT. Mr. Speaker, I move to suspend the rules and pass the bill