

105TH CONGRESS
1ST SESSION

H. R. 1476

To settle certain Miccosukee Indian land takings claims within the State
of Florida.

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 1997

Mr. DIAZ-BALART introduced the following bill; which was referred to the
Committee on Resources

A BILL

To settle certain Miccosukee Indian land takings claims
within the State of Florida.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Miccosukee Settlement
5 Act of 1997”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 Congress finds and declares that—

8 (1) there is pending before the United States
9 District Court for the Southern District of Florida
10 a lawsuit by the Miccosukee Tribe which involves the

1 taking of certain tribal lands in connection with the
2 construction of highway interstate 75 by the Florida
3 Department of Transportation;

4 (2) the pendency of this lawsuit clouds title of
5 certain lands used in the maintenance and operation
6 of the highway and hinders proper planning for fu-
7 ture maintenance and operations;

8 (3) the Florida Department of Transportation,
9 with the concurrence of the board of trustees of the
10 Internal Improvements Trust Fund of the State of
11 Florida, and the Miccosukee Tribe have executed an
12 agreement for the purpose of resolving the dispute
13 and settling the lawsuit, which agreement requires
14 consent of the Congress in connection with con-
15 templated land transfers;

16 (4) the settlement agreement is in the interests
17 of the Miccosukee Tribe in that the tribe will receive
18 certain monetary payments, new reservation land to
19 be held in trust by the United States, and other ben-
20 efits;

21 (5) land received by the United States pursuant
22 to the settlement agreement is in consideration of
23 Miccosukee Indian Reservation land lost by the
24 Miccosukee Tribe by virtue of transfer to the Florida
25 Department of Transportation under the settlement

1 agreement, and such United States land therefore
2 shall be held in trust by the United States for the
3 use and benefit of the Miccosukee Tribe as
4 Miccosukee Indian Reservation land in compensation
5 for the consideration given by the tribe in the settle-
6 ment agreement; and

7 (6) Congress shares with the parties to the set-
8 tlement agreement a desire to resolve the dispute
9 and settle the lawsuit.

10 **SEC. 3. DEFINITIONS.**

11 For the purposes of this Act—

12 (1) the terms “Miccosukee Tribe” and “tribe”
13 mean the Miccosukee Tribe of Indians of Florida, a
14 tribe of American Indians recognized by the United
15 States and organized under section 16 of the Act of
16 June 18, 1934 (48 Stat. 987; 25 U.S.C. 476), and
17 recognized by the State of Florida pursuant to chap-
18 ter 285, Florida Statutes;

19 (2) the term “Miccosukee land” means land
20 held in trust by the United States for the use and
21 benefit of the Miccosukee Tribe as Miccosukee In-
22 dian Reservation land which is identified pursuant to
23 the settlement agreement for transfer to the Florida
24 Department of Transportation;

1 (3) the term “Florida Department of Transpor-
2 tation” means the executive branch department and
3 agency of the State of Florida responsible for,
4 among other matters, the construction and mainte-
5 nance of surface vehicle roads, existing pursuant to
6 section 20.23, Florida Statutes, with authority to
7 execute the settlement agreement pursuant to sec-
8 tion 334.044, Florida Statutes;

9 (4) the term “board of trustees of the Internal
10 Improvements Trust Fund” means the agency of the
11 State of Florida holding legal title to and responsible
12 for trust administration of certain lands of the State
13 of Florida, consisting of the Florida Governor, At-
14 torney General, Commissioner of Agriculture, Com-
15 missioner of Education, Controller, Secretary of
16 State, and Treasurer sitting as trustees;

17 (5) the term “State of Florida” means all agen-
18 cies or departments of the State of Florida, includ-
19 ing the Florida Department of Transportation and
20 the board of trustees of the Internal Improvements
21 Trust Fund, as well as the State itself as a govern-
22 mental entity;

23 (6) the term “Secretary” means the United
24 States Secretary of the Interior;

1 (7) the term “land transfers” means those
2 lands identified in the settlement agreement for
3 transfer from the United States to the Florida De-
4 partment of Transportation and those lands identi-
5 fied in the settlement agreement for transfer from
6 the State of Florida to the United States;

7 (8) the term “lawsuit” means the action in the
8 United States District Court for the Southern Dis-
9 trict of Florida, entitled Miccosukee Tribe of Indians
10 of Florida v. State of Florida and Florida Depart-
11 ment of Transportation, et al., docket number 91–
12 6285–Civ-Paine; and

13 (9) the terms “settlement agreement” and
14 “agreement” mean those documents entitled “settle-
15 ment agreement” (with incorporated exhibits), which
16 identifies the lawsuit in the first paragraph, which
17 was signed on page 15 therein on August 28, 1996,
18 by Ben G. Watts (Secretary of the Florida Depart-
19 ment of Transportation) and Billy Cypress (Chair-
20 man of the Miccosukee Tribe), and thereafter con-
21 curred in by the board of trustees of the Internal
22 Improvements Trust Fund of the State of Florida.

23 **SEC. 4. AUTHORITY OF SECRETARY.**

24 As trustee for the Miccosukee Tribe, the Secretary
25 shall:

1 (1) Aid and assist in the fulfillment of the set-
2 tlement agreement at all times and in all reasonable
3 manner, and cooperate with and assist the
4 Miccosukee Tribe for this purpose.

5 (2) Upon finding that the settlement agreement
6 is legally sufficient and that the State of Florida and
7 its agencies have the necessary authority to fulfill
8 the agreement, sign the settlement agreement on be-
9 half of the United States, and have a representative
10 of the Bureau of Indian Affairs sign the settlement
11 agreement as well.

12 (3) Upon finding that all necessary conditions
13 precedent to the transfer of Miccosukee land to the
14 Florida Department of Transportation as provided
15 in the settlement agreement have been or will be met
16 so that the agreement has been or will be fulfilled
17 but for the execution of this land transfer and relat-
18 ed land transfers, transfer ownership of the
19 Miccosukee land to the Florida Department of
20 Transportation as provided in the settlement agree-
21 ment, including in such transfer solely and exclu-
22 sively that Miccosukee land identified in the settle-
23 ment agreement for such transfer and no other land.

24 (4) Upon finding that all necessary conditions
25 precedent to the transfer of Florida land to the

1 United States have been or will be met so that the
2 agreement has been or will be fulfilled but for the
3 execution of this land transfer and related land
4 transfers, receive and accept in trust for the use and
5 benefit of the Miccosukee Tribe ownership of all land
6 identified in the settlement agreement for transfer to
7 the United States, constituting thereby Indian Res-
8 ervation lands of the Miccosukee Tribe.

○