

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1476

---

IN THE SENATE OF THE UNITED STATES

JANUARY 27, 1998

Received; read twice and referred to the Committee on Indian Affairs

---

## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Miccosukee Settlement  
3 Act of 1997”.

4 **SEC. 2. CONGRESSIONAL FINDINGS.**

5 Congress finds and declares that—

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

12 (2) the pendency of this lawsuit clouds title of  
13 certain lands used in the maintenance and operation  
14 of the highway and hinders proper planning for fu-  
15 ture maintenance and operations;

16 (3) the Florida Department of Transportation,  
17 with the concurrence of the board of trustees of the  
18 Internal Improvements Trust Fund of the State of  
19 Florida, and the Miccosukee Tribe have executed an  
20 agreement for the purpose of resolving the dispute  
21 and settling the lawsuit, which agreement requires  
22 consent of the Congress in connection with con-  
23 templated land transfers;

24 (4) the settlement agreement is in the interests  
25 of the Miccosukee Tribe in that the tribe will receive  
26 certain monetary payments, new reservation land to

1 be held in trust by the United States, and other ben-  
2 efits;

3 (5) land received by the United States pursuant  
4 to the settlement agreement is in consideration of  
5 Miccosukee Indian Reservation land lost by the  
6 Miccosukee Tribe by virtue of transfer to the Florida  
7 Department of Transportation under the settlement  
8 agreement, and such United States land therefore  
9 shall be held in trust by the United States for the  
10 use and benefit of the Miccosukee Tribe as  
11 Miccosukee Indian Reservation land in compensation  
12 for the consideration given by the tribe in the settle-  
13 ment agreement; and

14 (6) Congress shares with the parties to the set-  
15 tlement agreement a desire to resolve the dispute  
16 and settle the lawsuit.

17 **SEC. 3. DEFINITIONS.**

18 For the purposes of this Act—

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

1           (2) the term “Miccosukee land” means land  
2 held in trust by the United States for the use and  
3 benefit of the Miccosukee Tribe as Miccosukee In-  
4 dian Reservation land which is identified pursuant to  
5 the settlement agreement for transfer to the Florida  
6 Department of Transportation;

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

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

23           (5) the term “State of Florida” means all agen-  
24 cies or departments of the State of Florida, includ-  
25 ing the Florida Department of Transportation and

1 the board of trustees of the Internal Improvements  
2 Trust Fund, as well as the State itself as a govern-  
3 mental entity;

4 (6) the term “Secretary” means the United  
5 States Secretary of the Interior;

6 (7) the term “land transfers” means those  
7 lands identified in the settlement agreement for  
8 transfer from the United States to the Florida De-  
9 partment of Transportation and those lands identi-  
10 fied in the settlement agreement for transfer from  
11 the State of Florida to the United States;

12 (8) the term “lawsuit” means the action in the  
13 United States District Court for the Southern Dis-  
14 trict of Florida, entitled Miccosukee Tribe of Indians  
15 of Florida v. State of Florida and Florida Depart-  
16 ment of Transportation, et al., docket number 91-  
17 6285-Civ-Paine; and

18 (9) the terms “settlement agreement” and  
19 “agreement” mean those documents entitled “settle-  
20 ment agreement” (with incorporated exhibits), which  
21 identifies the lawsuit in the first paragraph, which  
22 was signed on page 15 therein on August 28, 1996,  
23 by Ben G. Watts (Secretary of the Florida Depart-  
24 ment of Transportation) and Billy Cypress (Chair-  
25 man of the Miccosukee Tribe), and thereafter con-

1 curred in by the board of trustees of the Internal  
2 Improvements Trust Fund of the State of Florida.

3 **SEC. 4. AUTHORITY OF SECRETARY.**

4 As trustee for the Miccosukee Tribe, the Secretary  
5 shall:

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

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

17 (3) Upon finding that all necessary conditions  
18 precedent to the transfer of Miccosukee land to the  
19 Florida Department of Transportation as provided  
20 in the settlement agreement have been or will be met  
21 so that the agreement has been or will be fulfilled  
22 but for the execution of this land transfer and relat-  
23 ed land transfers, transfer ownership of the  
24 Miccosukee land to the Florida Department of  
25 Transportation as provided in the settlement agree-

1       ment, including in such transfer solely and exclu-  
2       sively that Miccosukee land identified in the settle-  
3       ment agreement for such transfer and no other land.

4           (4) Upon finding that all necessary conditions  
5       precedent to the transfer of Florida land to the  
6       United States have been or will be met so that the  
7       agreement has been or will be fulfilled but for the  
8       execution of this land transfer and related land  
9       transfers, receive and accept in trust for the use and  
10      benefit of the Miccosukee Tribe ownership of all land  
11      identified in the settlement agreement for transfer to  
12      the United States, constituting thereby Indian Res-  
13      ervation lands of the Miccosukee Tribe.

      Passed the House of Representatives November 13,  
1997.

Attest:

ROBIN H. CARLE,  
*Clerk.*