

Union Calendar No. 158

105TH CONGRESS
1ST Session

H. R. 1476

[Report No. 105-278]

A BILL

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

SEPTEMBER 29, 1997

Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 1997

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

SEPTEMBER 29, 1997

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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”.

1 **SEC. 2. CONGRESSIONAL FINDINGS.**

2 Congress finds and declares that—

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

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

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

21 (4) the settlement agreement is in the interests
22 of the Miccosukee Tribe in that the tribe will receive
23 certain monetary payments, new reservation land to
24 be held in trust by the United States, and other ben-
25 efits;

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

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

15 **SEC. 3. DEFINITIONS.**

16 For the purposes of this Act—

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

24 (2) the term “Miccosukee land” means land
25 held in trust by the United States for the use and

1 benefit of the Miccosukee Tribe as Miccosukee In-
2 dian Reservation land which is identified pursuant
3 to the settlement agreement for transfer to the Flor-
4 ida Department of Transportation;

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

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

21 (5) the term “State of Florida” means all agen-
22 cies or departments of the State of Florida, includ-
23 ing the Florida Department of Transportation and
24 the board of trustees of the Internal Improvements

1 Trust Fund, as well as the State itself as a govern-
2 mental entity;

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

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

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

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