

## MICCOSUKEE RESERVED AREA ACT

SEPTEMBER 11, 1998.—Ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

### R E P O R T

[To accompany H.R. 3055]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3055) to deem the activities of the Miccosukee Tribe on the Tamiami Indian Reservation to be consistent with the purposes of the Everglades National Park, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Miccosukee Reserved Area Act”.

#### SEC. 2. FINDINGS.

The Congress finds the following:

(1) Since 1964, the Miccosukee Tribe of Indians of Florida have lived and governed their own affairs on a strip of land on the northern edge of the Everglades National Park pursuant to permits from the National Park Service and other legal authority. The current permit expires in 2014.

(2) Since the commencement of the Tribe’s permitted use and occupancy of the Special Use Permit Area, the Tribe’s membership has grown, as have the needs and desires of the Tribe and its members for modern housing, governmental and administrative facilities, schools and cultural amenities, and related structures.

(3) The United States, the State of Florida, the Miccosukee Tribe, and the Seminole Tribe of Florida are participating in a major intergovernmental effort to restore the South Florida ecosystem, including the restoration of the Park’s environment.

(4) The Special Use Permit Area is located within the northern boundary of the Park, which is critical to the protection and restoration of the Everglades, as well as to the cultural values of the Miccosukee Tribe.

(5) The interests of both the Miccosukee Tribe and the United States would be enhanced by a further delineation of the rights and obligations of each with respect to the Special Use Permit Area and to the Park as a whole.

(6) The amount and location of land and water allocated to the Tribe meet the purposes of the Park.

#### SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to replace the special use permit with a legal framework wherein the Tribe can live permanently and govern their own affairs in a modern community within the Park; and

(2) to protect the Park outside the boundaries of the MRA from adverse effects of structures or activities within that area, and to support restoration of the South Florida ecosystem, including restoring the environment of the Park.

#### SEC. 4. DEFINITIONS.

For purposes of this Act:

(1) The term “Everglades” means the areas within the Florida Water Conservation Areas, Everglades National Park, and Big Cypress National Preserve.

(2) The term “Miccosukee Reserved Area” or “MRA” means, notwithstanding any other provision of law and subject to the limitations specified in section 6(d) of this Act, the portion of the Everglades National Park: Depicted on the map entitled “Miccosukee Reserved Area” numbered NPS—\_\_\_\_, and dated March \_\_\_\_, 1998, copies of which shall be kept available for public inspection in the offices of the National Park Service, Department of the Interior, and shall be filed with appropriate officers of Miami-Dade County and the Miccosukee Tribe of Indians of Florida.

(3) The term “Park” means the Everglades National Park, including any additions to that Park.

(4) The term “Permit”, unless otherwise specified, means any federally issued permit, license, certificate of public convenience and necessity, or other permission of any kind.

(5) The term “Secretary” means the Secretary of the Interior or the designee thereof.

(6) The term “South Florida Ecosystem” has the same meaning as such term is defined in section 528(a)(4) of the Water Resources Development Act of 1996, Public Law 104–303.

(7) The term “Special Use Permit Area” means the area of 333.3 acres on the northern boundary of the Park previously reserved for the use, occupancy, and governance of the Tribe under a Special Use Permit.

(8) The term “Tribe”, unless otherwise specified, means 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.

(9) The term “tribal” means of or pertaining to the Miccosukee Tribe of Indians of Florida.

(10) The term “tribal chairman” means the duly elected chairman of the Miccosukee Tribe of Indians of Florida, or such chairman’s designee.

#### SEC. 5. TRIBAL RIGHTS AND AUTHORITY ON THE MICCOSUKEE RESERVED AREA.

(a) SPECIAL USE PERMIT TERMINATED.—The Special Use Permit dated February 1, 1973, issued by the Secretary to the Tribe, and any amendments thereto, are hereby terminated. The former Special Use Permit Area shall be expanded pursuant to this Act and known as the Miccosukee Reserved Area (hereinafter, “MRA”). The Tribe shall govern its own affairs in the MRA as though the MRA were a Federal Indian reservation, subject to the provisions of this Act and other applicable Federal law.

(b) PERPETUAL USE AND OCCUPANCY.—The Tribe shall have the exclusive right to use and develop the MRA in perpetuity consistent with this Act for purposes of the Tribe’s administration, education, housing, and cultural activities, including commercial services necessary to support those purposes.

(c) INDIAN COUNTRY STATUS.—The MRA shall be Indian Country for purposes of Federal law, and shall be treated as a federally recognized Indian reservation solely for purposes of determining the authority of the Tribe to govern its own affairs within the MRA and the eligibility of the Tribe and its members for any Federal health, education, employment, economic assistance, revenue sharing, or social welfare programs, or any other similar Federal program for which Indians are eligible because of their status as Indians and of their residence on or near an Indian reservation.

(d) **EXCLUSIVE FEDERAL JURISDICTION PRESERVED.**—The present exclusive Federal legislative jurisdiction as applied to the MRA shall be preserved. Public Law 83–280 shall not apply on the MRA.

(e) **OTHER RIGHTS PRESERVED.**—Nothing in this Act shall affect any existing rights of the Tribe under Federal law, including the right to use other lands or waters within the Park for other purposes, including, fishing, boating, hiking, camping, cultural activities, or religious observances.

**SEC. 6. PROTECTION OF EVERGLADES NATIONAL PARK.**

(a) **ENVIRONMENTAL PROTECTION AND ACCESS REQUIREMENTS.**—(1) The MRA shall remain within the boundaries of the Park and be a part thereof consistent with this Act.

(2) The Tribe shall be responsible for compliance with all applicable laws, except as specifically exempted by this Act.

(3)(A) The Tribe shall prevent and abate any significant degradation of the quality of surface or groundwater which is released into other parts of the Park, as follows:

(i) With respect to water entering the MRA which fails to meet applicable water quality standards set by the Federal Government, actions of the Tribe shall not further degrade water quality. The Tribe shall not be responsible for improving the water quality.

(ii) With respect to water entering the MRA which meets applicable water quality standards, the Tribe shall not cause the water to fail to comply with applicable water quality standards.

(B) The Tribe shall prevent and abate any significant disruption of the restoration or preservation of the quantity, timing, or distribution of surface or groundwater which would enter the MRA and flow, directly or indirectly, into other parts of the Park, but only to the extent that such disruption is caused by conditions, activities, or structures within the MRA.

(C) The Tribe shall prevent significant propagation of exotic plants or animals outside the MRA.

(D) The Tribe shall not impede public access to those areas of the park outside the boundaries of the MRA, and to and from the Big Cypress National Preserve; *Provided, however,* That the Tribe shall not be required to allow nontribal members access to the MRA, except Federal employees, agents, officers, and officials as provided in this Act.

(E) The Tribe shall prevent and abate any significant cumulative adverse environmental impact on the Park outside the MRA resulting from development or other activities within the MRA.

(i) Within 12 months of the date of enactment of this Act, the Tribe shall develop, publish, and implement procedures that shall assure adequate public notice and opportunity to comment on major tribal actions within the MRA that may contribute to a significant cumulative adverse impact on the Everglades ecosystem.

(ii) The procedures in subparagraph (E)(i) shall include timely written notice to the Secretary and consideration of the Secretary's comments.

(F) Within 12 months of the date of enactment of this Act, the Tribe shall adopt and comply with water quality standards within the MRA that are at least as protective as the standards for the Everglades ecosystem adopted by the State of Florida. In the event the Tribe fails to adopt such standards or fails to revise its own standards within 12 months of any changes to the standards of the State of Florida, the standards of the State of Florida shall be deemed to apply until such time as the Tribe adopts its own standards that meet the requirements of this paragraph.

(b) **HEIGHT RESTRICTIONS.**—

(1) **RESTRICTIONS.**—No structure constructed within the MRA shall exceed the height of 45 feet but not to exceed 2 stories, except that a structure within the government center, as shown on the map referenced in section 4(b) of this Act, shall not exceed the height of 70 feet.

(2) **EXCEPTIONS.**—The following types of structures are exempt from the restrictions of this section to the extent necessary for the health, safety, or welfare of the tribal members, and for the utility of the structures: water towers or standpipes; radio towers; and utility lines.

(3) **WAIVER.**—The Secretary may waive the restrictions of this subsection if the Secretary finds that the needs of the Tribe for a taller structure would outweigh the adverse effects to the Park or its visitors.

(4) **GRANDFATHER CLAUSE.**—Any structure approved by the Secretary prior to the date of enactment of this Act, and for which construction commences no later than 12 months after the date of enactment of this Act, shall not be subject to the provisions of this subsection.

(5) MEASUREMENT.—The heights specified in this subsection shall be measured from mean sea level.

(c) OTHER CONDITIONS.—

(1) GAMING.—There shall be no class II or class III gaming as defined in sections 4(7) and 4(8) of the Indian Gaming Regulatory Act (25 U.S.C. 2703) within the MRA.

(2) AVIATION.—There shall be no commercial aviation from or to the MRA. Takeoffs and landings shall be allowed for emergency operations and administrative use by the Tribe or the United States, including resource management and law enforcement. The Tribe may permit the State of Florida, its agencies or municipalities to take off or land aircraft on the MRA for emergency operations or administrative purposes.

(3) VISUAL QUALITY.—In its planning, use, and development of the MRA, the Tribe shall consider the quality of the visual experience from the Shark River Valley visitor use area, including but not limited to, limitations on the height and locations of billboards or other commercial signs or other advertisements visible from the Shark Valley visitor center, tram road, or observation tower. The Tribe may exempt markings on a water tower or standpipe that merely identify the Tribe.

(d) EASEMENTS AND RANGER STATION.—Notwithstanding any other provision of this Act:

(1) The exact size and configuration of flow ways and natural zones shall be determined by the Secretary after a public planning process with environmental documentation and in consultation with the Tribe, the Army Corps of Engineers, and other agencies.

(2) The Secretary is authorized to request funds for the Tribe to make up the difference in construction costs along the Loop Road and in a configuration to protect natural areas. Such funds shall be used only for infrastructure (roads, power, water).

(3) The Secretary shall have a right, in perpetuity, to use and occupy, and to have access to, the Tamiami Ranger Station identified on such map, except that the pad on which such station is constructed shall not be increased in size without the consent of the Tribe.

**SEC. 7. IMPLEMENTATION PROCESS.**

(a) GOVERNMENT-TO-GOVERNMENT AGREEMENTS.—The Secretary and the tribal chairman shall make reasonable, good faith efforts to implement the requirements of this Act. Such efforts may include government-to-government consultations, and the development of standards of performance and monitoring protocols.

(b) FEDERAL MEDIATION AND CONCILIATION SERVICE.—If the Secretary and the tribal chairman both believe that they cannot reach agreement on any significant issue, they may jointly request that the Federal Mediation and Conciliation Service assist them in reaching a satisfactory agreement.

(c) 60-DAY TIME LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for no more than 60 days after receiving the request for assistance, unless the Secretary and the tribal chairman agree to an extension of time.

(d) OTHER RIGHTS PRESERVED.—The facilitated dispute resolution specified in this section shall not prejudice any rights of the parties to commence an action in a court of the United States at any time, or to other dispute resolution processes not prohibited by law.

**SEC. 8. MISCELLANEOUS.**

(a) NO GENERAL APPLICABILITY.—Nothing in this Act creates any right, interest, privilege, or immunity affecting any other Tribe or any other park or Federal lands.

(b) NONINTERFERENCE WITH FEDERAL AGENTS.—Federal employees, agents, officers, and officials shall have a right of access to the MRA—

(1) to monitor compliance with the provisions of this Act; and

(2) for other purposes, as though it were a Federal Indian reservation. Nothing in this Act shall authorize the Tribe, its members or agents to interfere with any Federal employee, agent, officer, or official in the performance of official duties whether within or outside the boundaries of the MRA: *Provided, however*, That nothing herein prejudices rights under the United States Constitution.

(c) FEDERAL PERMITS.—No Federal permits shall be issued to the Tribe for activities or structures that would be inconsistent with this Act. Any Federal agency considering an application for a permit for construction or activities on the MRA shall consult with, and consider the advice, evidence, and recommendations of the Secretary before issuing a final decision. Except as otherwise specifically provided here-

in, nothing in this Act supersedes any requirement of any other applicable Federal law.

(d) VOLUNTEER PROGRAMS AND TRIBAL INVOLVEMENT.—The Secretary may establish programs that foster greater tribal involvement in the Park. Such efforts may include, but are not limited to, internships and volunteer programs with tribal schoolchildren and with adult tribal members.

(e) SAVING ECOSYSTEM RESTORATION.—(1) Nothing in this Act shall be construed to amend or prejudice the authorities of the United States to design, construct, fund, operate, permit, remove, or degrade canals, levees, pumps, impoundments, wetlands, flow ways, or other facilities, structures, or systems, for the restoration or protection of the South Florida ecosystem pursuant to Federal statute or regulation.

(2) The Secretary may use all or any part of the MRA lands to the extent necessary to restore or preserve the quality, quantity, timing, or distribution of surface or groundwater, if other reasonable alternative measures to achieve the same purpose are impractical. The Secretary may use such lands either in agreement with the tribal chairman or upon order of the United States district court in the district in which the MRA is located upon petition by the Secretary and finding by the court that the Secretary's proposed actions are necessary and other reasonable alternative measures are impractical.

(3) In the event the Secretary exercises his authority under paragraph (2) of this subsection, the United States shall be liable to the Tribe or its members for the costs of modification, removal, relocation, or reconstruction of structures lawfully erected in good faith on the MRA, and for loss of use of the affected land within the MRA. The compensation shall be paid in the form of cash with respect to taking structures and other fixtures and in the form of rights to occupy similar land adjacent to the MRA with respect to taking land.

(f) PARTIES HELD HARMLESS.—

(1) UNITED STATES HELD HARMLESS.—With respect to any tribal member, tribal employee, tribal contractor, tribal enterprise, or any person residing within the MRA, notwithstanding any other Act, the United States, its officers, agents, and employees, shall have no liability for any actions or failures to act by the Tribe, its officers, employees, or members, including failures to perform any of the Tribe's obligations under this Act, except, that nothing in this section shall alter any liabilities or other obligations the United States may have as pursuant to section 450 of title 25, United States Code, as amended.

(2) TRIBE HELD HARMLESS.—Notwithstanding any other Federal Act, the Tribe and its members shall have no liability for any injuries, losses, damages, or harms on the MRA caused by actions or failures to act by the United States, its officers, agents, and employees, including failure to perform any of the obligations of the United States under this Act.

(g) COOPERATIVE AGREEMENTS.—Nothing in this Act shall alter the authorities of the Secretary and the Tribe to enter into cooperative agreements, including agreements concerning law enforcement, emergency response, and resource management.

(h) WATER RIGHTS.—Nothing in this Act shall enhance or diminish any water rights of the Tribe, its members, or the Park.

(i) ENFORCEMENT.—(1) The Attorney General may bring a civil action in the United States district court for the district which includes the MRA, to enjoin the Tribe from violating any provisions of this Act.

(2) The Tribe may bring a civil action in the United States district court for the district which includes the MRA to enjoin the United States from violating any provisions of this Act.

#### PURPOSE OF THE BILL

The purpose of H.R. 3055 is to deem the activities of the Miccosukee Tribe on the Tamiami Indian Reservation to be consistent with the purposes of the Everglades National Park, and for other purposes.

#### BACKGROUND AND NEED FOR LEGISLATION

The Miccosukee Tribe once occupied a reservation of approximately 100,000 acres within what is now Everglade National Park. When Congress created the Park, the tribe moved north to lands they did not historically occupy. However, since the Park was created in 1934, the Miccosukee Tribe has occupied the northernmost

500 feet of the Park along a five-mile stretch of the Tamiami Trail. The Tribe occupies this land under a special use permit issued by the National Park Service. Unfortunately, the growth needs of the Tribe and the mission of the Park Service have seemed to clash in recent years, as the Tribe's population has increased, so has its demands for increased growth.

#### COMMITTEE ACTION

H.R. 3055 was introduced on November 13, 1997, by Congressman Alcee Hastings (D-FL). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks and Public Lands. This bill resulted from an oversight hearing held by the Subcommittee on September 25, 1997 (Committee on Resources printed hearing 105-65). On June 11, 1998, the Subcommittee met to mark up H.R. 3055. Congressman James V. Hansen (R-UT) offered an amendment in the nature of a substitute. Technical amendments to the amendment in the nature of a substitute were adopted by unanimous consent, and the amendment, as amended, was adopted by voice vote. The bill was then reported to the Full Committee by voice vote. On July 22, 1998, the Full Resources Committee met to consider H.R. 3055. An amendment to create a public process to decide on flow ways and natural zones was offered by Delegate Eni Faleomavaega (D-AS), and adopted by voice vote. Congressman Hansen offered an amendment to strike unnecessary language from the bill, which was adopted by unanimous consent. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

This section provides a short title for the bill, the Miccosukee Reserved Area Act.

##### *Section 2. Findings*

This section provides six findings for the bill.

##### *Section 3. Purposes*

This section lays out the two purposes of the bill.

##### *Section 4. Definitions*

This section defines 10 terms used in the bill.

##### *Section 5. Tribal rights and authority on the Miccosukee reserved area*

Section 5 terminates the Special Use Permit currently issued to the Miccosukee Tribe and creates the Miccosukee Reserved Area (MRA). The MRA contains the Special Use Permit land and additional land. The Tribe will govern the MRA in perpetuity for tribal needs as if it were a Federal Indian Reservation and the land is thus treated as Indian Country. Exclusive Federal jurisdiction will be preserved and nothing in this Act effects any existing rights of the Tribe under Federal law.

*Section 6. Protection of Everglades National Park*

Section 6 provides environmental protection to Everglades National Park. Since the MRA remains within the boundaries of the Park, the Tribe is responsible for compliance with all applicable laws, except as exempted by this Act.

The Miccosukee Tribe will protect the quality of the surface and groundwater which is released into other parts of the Park. If the water that enters the MRA fails to meet applicable water quality standards, the Tribe must not degrade the water quality further. If the water that enters the MRA meets water quality standards, the Tribe may not degrade the water quality below applicable standards. The Tribe must prevent and abate any significant disruptions of surface or groundwater quantity, timing, or distribution for water that enters the MRA and flows to other parts of the Park.

The Tribe may not impede public access to areas of the park outside the MRA boundaries. It must prevent significant propagation of exotic plants or animals outside the MRA. Activities within the MRA which cause adverse environmental impacts must be prevented and abated.

Within 12 months of the passage of this Act, the Tribe must develop a process by which public notice is given and there is an opportunity for the public to comment on major tribal actions that could cause an adverse impact on the Park's ecosystem. This public comment and notice process will also include a notice to the Secretary of the Interior and consideration given to his comments.

Within 12 months, the Tribe must adopt and comply with water quality standards within the MRA, that are at least as protective as the standards for the Everglades ecosystem. If the Tribe does not comply within the 12 months, the State of Florida's standards will apply.

This Act restricts the height of new construction within the MRA to less than 45 feet and not more than 2 stories. The height restriction within the government center is 70 feet. These heights are measured from mean sea level. Utility structures and other structures that are necessary for the health, safety, or welfare of tribal members are exempted from the height restrictions. The Secretary may waive the restrictions if the needs of the Tribe outweigh the adverse effects on the Park. Any structure approved by the Secretary before the enactment of this Act is exempt from the height restriction, as long as the construction is started within 12 months of the enactment of this Act.

Class II or class III gaming is not allowed within the MRA. No commercial aviation to or from the MRA will be allowed; however, takeoffs and landings may be used for emergency and administrative purposes.

In the planning, use, and development of the MRA, the visual quality from the Shark River Valley Visitor Center must be considered. This includes possible limitations on billboards, advertisements, etc.

The exact size and configuration of flow ways and natural zones will be determined by the Secretary after a public planning process. The Secretary is authorized to request funds for the Tribe to cover the cost of protecting the natural area. The Secretary also has the right to occupy the Tamiami Ranger Station in perpetuity.

*Section 7. Implementation Process*

The Secretary and Tribal Chairman will make good faith efforts to implement the requirements of this Act. If the Secretary and Tribal Chairman cannot reach agreement, they may request that the Federal Mediation and Conciliation Service assist them in reaching an agreement. The Federal Mediation and Conciliation Service is required to conduct mediation within 60 days after receiving request for assistance. The facilitated dispute resolution will not prejudice any rights of the parties in court.

*Section 8. Miscellaneous*

Nothing in this Act creates rights that affect any other Tribe or Federal lands. Federal agents will have the right to access the MRA to monitor compliance with the provisions of the Act and for other purposes, as though the MRA were a Federal Indian reservation.

No Federal permits may be issued that are inconsistent with this Act. Any Federal agency considering applying for a permit on the MRA must consult the Secretary. Except as otherwise specified, nothing in this Act supersedes Federal law. The Secretary may establish programs that foster greater tribal involvement in the Park.

Nothing in this Act may be construed to prejudice the work of the Everglades ecosystem restoration. To achieve this, the Secretary may use all or part of MRA land to restore and preserve the quality and quantity of surface and groundwater, if alternative measures are impractical. If the Secretary does use the MRA for restoration purposes, the United States will be liable to the Tribe for the loss of land and property.

The United States will be held harmless for the actions of the Tribe on the MRA and the Tribe will be held harmless for the actions of the United States on the MRA. Nothing in the Act restricts the Secretary and the Tribe from entering into cooperative agreements and nothing in the Act enhances or diminishes the water rights of the Tribe. The Attorney General may bring a civil action against the Tribe for the violation of this Act and the Tribe may bring a civil action against the United State for violation of this Act.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact H.R. 3055.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of

the costs which would be incurred in carrying out H.R. 3055. However, clause 7(d) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 3055 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 3055.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 3055 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, August 17, 1998.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources, House of Representatives,  
Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3055, the Miccosukee Reserved Area Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

*H.R. 3055—Miccosukee Reserved Area Act*

H.R. 3055 would clarify the rights of the Miccosukee to occupy and use land within the boundaries of the Everglades National Park. The bill would give the tribe the exclusive right to use and develop an area of the park to be known as the Miccosukee Reserved Area (MRA) and would terminate the special use permit that currently governs the tribe's use of this area. The tribe would be responsible for complying with environmental and other laws, certain development restrictions, commercial restrictions, such as a prohibition against gaming on MRA lands, and other conditions established by the bill.

CBO estimates enacting H.R. 3055 would have no effect on the federal budget. The bill restates an agreement between the federal government and the Miccosukee Indian Tribe. It also would provide for compensation to the Miccosukee for water restoration projects in the Florida Everglades. Because both the projects and compensation are authorized under existing law, the bill would have no budgetary impact. H.R. 3055 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact is Deborah Reis. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 3055 contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, H.R. 3055 would make no changes in existing law.

