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SENATE

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A BILL TO AMEND THE MICCOSUKEE RESERVED AREA ACT TO AUTHORIZE THE EXPANSION OF THE MICCOSUKEE RESERVED AREA AND TO CARRY OUT ACTIVITIES TO PROTECT STRUCTURES WITHIN THE OSCEOLA CAMP FROM FLOODING, AND FOR OTHER PURPOSES

NOVEMBER 18, 2024.—Ordered to be printed

Mr. SCHATZ, from the Committee on Indian Affairs,
submitted the following

R E P O R T

[To accompany S. 2783]

[Including cost estimate of the Congressional Budget Office]

The Committee on Indian Affairs, to which was referred the bill, (S. 2783) to amend the Miccosukee Reserved Area Act to authorize the expansion of the Miccosukee Reserved Area and to carry out activities to protect structures within the Osceola Camp from flooding, and for other purposes, having considered the same, reports favorably thereon without amendment, and recommends that the bill do pass.

PURPOSE

S. 2783 would amend the Miccosukee Reserved Area Act to authorize inclusion of the “Osceola Camp” into the Miccosukee Reserved Area and up to \$14 million in appropriations to protect the Camp from flooding.

BACKGROUND AND NEED

The Miccosukee Tribe is a federally recognized Indian Tribe whose reservation is located within the exterior boundaries of the Everglades National Park (ENP) in Miami-Dade, Florida. From 1964 to 1998, the Miccosukee Tribe lived and governed their own affairs on a strip of land on the northern edge of the ENP, known as the Special Use Permit Area, under permits from the National Park Service and other legal authority.¹

¹ Miccosukee Reserved Area Act (MRAA), Pub. L. No. 105-313, 112 Stat. 2964 (1998).

In 1998, Congress passed the Miccosukee Reserved Area Act (MRAA), which replaced the special use permit with a permanent legal framework that expanded the Miccosukee Tribe’s Special Use Permit Area for its exclusive use, occupancy, and governance in perpetuity.² Congress expressly provided that such land, now known as the Miccosukee Reserved Area (MRA), would be considered “Indian Country” and treated as an Indian reservation.³ The MRAA reserved the federal government’s ability to engage in activities for the restoration or protection of the South Florida ecosystem under federal law, and provided that the costs of such restoration would be borne by the federal government, including compensating the Miccosukee Tribe for any loss of Tribal structures within the MRA.⁴

The MRAA did not include the Osceola Camp, a residential village situated within the ENP and home to several families of the Miccosukee Tribe, in the MRA. Established in 1935, the Camp includes housing structures, water supply systems, roadways, and wastewater treatment systems, among other infrastructure. It is experiencing flooding caused by ecosystem restoration efforts from the Comprehensive Everglades Restoration Plan (CERP) and Central Everglades Planning Project (CEPP),⁵ which are part of ongoing efforts to improve the ecological health of the ENP by diverting hundreds of thousands of acre-feet of water per year from Lake Okeechobee south to Florida Bay to increase and improve water flow. Consequently, buildings within the Camp need to be elevated in order to avoid a safety hazard to the residents and allow continued residential and commercial use of the site, which is in the middle of the project area.⁶

The legislation would amend the MRAA by incorporating the Osceola Camp into the MRA and authorizing the Secretary of the Interior, in consultation with the Miccosukee Tribe, to take actions to protect Camp structures from damage due to flooding.

SUMMARY OF S. 2783 AS ORDERED REPORTED

S. 2783 amends the Miccosukee Reserved Area Act to include Camp Osceola as part of the Miccosukee Reserved Area; directs the Department of the Interior, in consultation with the Tribe, to take appropriate actions to protect structures within Camp Osceola from flooding; and authorizes appropriations of such sums as necessary to protect structures within Camp Osceola, not to exceed \$14 million.

SECTION-BY-SECTION ANALYSIS OF S. 2783 AS ORDERED REPORTED

Section 1—Short title

This section sets forth the short title as the “Miccosukee Reserved Area Amendments Act”.

²*Id.*

³MRAA § 5(c) (as defined in 18 U.S.C. 1151).

⁴MRAA § 8(e)(2)–(3).

⁵News Release, National Park Service, Everglades National Park Seeks public input on Miccosukee Tribe of Indians of Florida Osceola Camp Cure Plan (Nov. 1, 2023) (on file with the Committee), <https://www.nps.gov/ever/learn/news/osceola-cure-plan-ea.htm>.

⁶*Id.*

Section 2—Miccosukee Reserved Area addition

This section amends the Miccosukee Reserved Area Act to include “Camp Osceola” as part of the Miccosukee Reserved Area.

Section 3—Protection of the Osceola Camp from flooding

This section amends the Miccosukee Reserved Area Act to—

- Direct the Secretary of the Interior to take appropriate actions to protect structures within Osceola Camp from flooding within two years of enactment and in consultation with the Miccosukee Tribe; and
- Authorize, beginning in Fiscal Year 2024, appropriation of such sums as necessary to protect structures within Osceola Camp, not to exceed \$14 million.

LEGISLATIVE HISTORY

On September 13, 2023, Senator Marco Rubio (R–FL) and Senator Rick Scott (R–FL) introduced S. 2783, the *Miccosukee Reserved Area Amendments Act*. On the same day, the Senate referred the bill to the Committee on Indian Affairs. On July 10, 2024, the Committee held a legislative hearing to receive testimony on S. 2783. On July 25, 2024, the Committee met at a duly convened Business Meeting and ordered S. 2783 reported favorably, without amendment.

On September 18, 2023, Representatives Gimenez (R–FL) and Diaz-Balart (R–FL) introduced H.R. 5537, identical companion legislation. On the same day, the House of Representatives referred H.R. 5537 to the Committee on Natural Resources and the Committee on Transportation and Infrastructure. On September 19, 2023, the bill was further referred the Committee on Transportation and Infrastructure Subcommittee on Water Resources and Environment. To date, the House of Representatives has taken no further action on the bill.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Act of 1974 requires the Congressional Budget Office, to the extent practicable, to prepare estimates of the budgetary effects of legislation ordered reported by Congressional authorizing committees. In order to provide the Congress with as much information as possible, the attached table summarizes information about the estimated direct spending and revenue effects of some of the legislation that has been ordered reported by the Senate Committee on Indian Affairs during the 118th Congress. The legislation listed in this table generally would have small effects, if any, on direct spending or revenues, CBO estimates. Where possible, the table also provides information about the legislation’s estimated effects on spending subject to appropriation and on intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act.

Bill number	Title	Status	Last action	Budget function	Direct spending, 2025-2034	Revenues, 2025-2034	Spending subject to appropriation, 2025-2029	Pay-As-You-Go procedures apply	Budgetary effects after 2034	Mandates	Contact
S. 2783	Micosukee Reserved Area Act	Ordered reported	07/25/24	300	0	0	Not estimated	No	No	No	Alaina Rhee

S. 2783 would amend the Micosukee Reserved Area Act to add a tract of land, known as the Osceola Camp, to the area reserved for the Micosukee Tribe under that act. Under the bill, the Osceola Camp would be subject to the Micosukee tribe's rights, responsibilities, and restrictions. The bill also would require the Department of the Interior, within two years of enactment, to protect structures within the Osceola Camp from flooding and would authorize appropriations of no more than \$14 million to do so. CBO estimates that enacting S. 2783 would not affect direct spending or revenues. CBO has not estimated the bill's effects on spending subject to appropriation. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

REGULATORY AND PAPERWORK IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 2783, as reported, will have minimal impact on regulatory or paperwork requirements.

EXECUTIVE TESTIMONY

Written statement of Jason Freihage, Deputy Assistant Secretary of Management for Indian Affairs, U.S. Department of the Interior, before the U.S. Senate Committee on Indian Affairs, July 10, 2024, follows below:

Good afternoon, Chairman Schatz, Vice Chairman Murkowski, and members of the Committee. My name is Jason Freihage, and I am the Deputy Assistant Secretary of Management for Indian Affairs at the Department of the Interior (Department). Thank you for the opportunity to present testimony on S. 2783, “Miccosukee Reserved Area Amendments Act,” . . .

S. 2783, Miccosukee Reserved Area Amendments Act

S. 2783 would amend the Miccosukee Reserved Area Act by authorizing expansion of the Miccosukee Reserved Area to include Osceola Camp (Camp), which is situated within the boundary of Everglades National Park. The bill would uphold the sovereignty of the Miccosukee Tribe of Indians and ensure the Camp remains within the landscape of Everglades National Park in perpetuity. The NPS currently authorizes management of the Camp through a Special Use Permit; this bill would ensure permanence and protection of the Camp and eliminate the need for recurring permit approval. Additionally, the bill would authorize appropriations of such sums as necessary, but not more than a total of \$14,000,000, to safeguard structures within the Camp from flooding events.

The Department supports S. 2783.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 2783.

CHANGES IN EXISTING LAW

On February 9, 2023, the Committee unanimously approved a motion to waive subsection 12 of rule XXVI of the Standing Rules of the Senate. In the opinion of the Committee, it is necessary to dispense with subsection 12 of rule XXVI of the Standing Rules of the Senate to expedite the business of the Senate.