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SENATE

{ REPORT
{ 108-4

MIAMI CIRCLE/BISCAYNE NATIONAL PARK

FEBRUARY 11, 2003.—Ordered to be printed

Mr. DOMENICI, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 111]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 111) to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends 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. SPECIAL RESOURCE STUDY.

(a) **STUDY.**—Not later than 3 years after the date funds are made available, the Secretary of the Interior (hereinafter referred to as the “Secretary”) shall conduct a special resource study to determine the national significance of the Miami Circle archaeological site in Miami-Dade County, Florida (hereinafter referred to as “Miami Circle”), as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park. In conducting the study, the Secretary shall consult with the appropriate American Indian tribes and other interested groups and organizations.

(b) **CONTENT OF STUDY.**—In addition to determining national significance, feasibility, and suitability, the study shall include the analysis and recommendations of the Secretary on—

(1) any areas in or surrounding the Miami Circle that should be included in Biscayne National Park.

(2) whether additional staff, facilities, or other resources would be necessary to administer the Miami Circle as a unit of Biscayne National Park; and

(3) any effect on the local area from the inclusion of Miami Circle in Biscayne National Park.

(c) **SUBMISSION OF REPORT.**—Not later than 30 days after completion of the study, the Secretary shall submit a report on the findings and recommendations of the

study to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the United States House of Representatives.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

PURPOSE OF THE MEASURE

The purpose of S. 111 is to direct the Secretary of the Interior to conduct a special resource study to determine the significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park.

BACKGROUND AND NEED

Discovered in 1998, the Miami Circle is a 38-foot-diameter circle within a 2.2-acre archaeological site in downtown Miami, Florida. The site is located in the bedrock on the southern bank of the Miami River where it flows into Biscayne Bay. The Miami Circle site is composed of 24 shallow, irregularly shaped basins surrounded by more than 600 postholes. The general area was documented in 1941 as a former Tequesta Native American site, but little field work had been done to research the site until 1998.

Some archaeologists believe that the Miami Circle is the base of a Tequesta lodge or temple house and that it could yield significant clues about the Tequestas' native culture. Radiocarbon dating has shown pieces of charcoal and other artifacts to be at least 1,800 years old.

The Miami Circle is located about 5 miles north of Biscayne National Park. Discussions about adding Miami Circle to the park began soon after its discovery. Other Tequesta archaeological sites are located on the park's islands.

Biscayne National Park was first authorized as a national monument in 1968 and was enlarged and redesignated a national park in 1980. The park protects submerged cultural resources, historic structures, and marine systems, including the northernmost coral reef in the United States. Although most of the park is underwater, approximately 4,500 acres are located on the mainland and on several islands.

LEGISLATIVE HISTORY

S. 111 was introduced by Senators Graham and Nelson on January 9, 2003. A similar bill, S. 1894, was introduced by Senators Graham and Nelson during the 107th Congress. The Subcommittee on National Parks held a hearing on S. 1894 on February 14, 2002 and the bill was reported by the Committee on June 5, 2002. S. 1894 passed the Senate on August 1, 2002, and both the House and Senate on November 19, 2002, but the two bodies were unable to resolve differences in the text before the 107th Congress adjourned. Similar legislation, S. 762, was also reported by the Committee and passed the Senate during the 106th Congress.

At its business meeting on February 5, 2003, the Committee ordered S. 111 favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on February 5, 2003, by a unanimous voice of a quorum present, recommends that the Senate pass S. 111, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 111, the Committee adopted an amendment in the nature of a substitute. The amendment deletes section 1 from the bill, which contained congressional findings, and made other minor clarifying changes. The amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 directs the Secretary of the Interior to conduct a special resource study not later than one year after the date that funds are appropriated for the purposes of this Act. In conducting the study the Secretary is directed to consult with appropriate American Indian tribes and other interested groups and organizations.

Subsection (b) sets forth the requirements for the study and is self explanatory.

Subsection (c) provides for the submission of the study to Congress.

Section 2 authorizes the appropriation of funds.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 7, 2003.

Hon. PETE V. DOMENICI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 111, a bill to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the state of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact for this estimate is Deborah Reis.

Sincerely,

DOUGLAS HOLTZ-EAKIN, *Director.*

Enclosure.

S. 111—A bill to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the state of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park

S. 111 would direct the Secretary of the Interior to conduct a study of the Miami Circle, a recently discovered archeological site in Miami, Florida. The study would determine the national significance of the site as well as the feasibility and suitability of including it within Biscayne National Park. The bill would authorize the appropriation of whatever sums are necessary to conduct the study, and it would require the Secretary to report findings and recommendations within one year and 30 days of receiving funds.

Assuming the availability of appropriated funds, CBO estimates that implementing S. 111 would cost the federal government \$150,000 over the next year to complete the required study and report. The bill would not affect direct spending or revenues.

S. 111 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Paul R. Cullinan, Chief for Human Resources Cost Estimates Unit of the Budget Analysis Division.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 111. The bill is not a regulatory measure in the sense of imposing Government-established standards of significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from enactment of S. 111, as ordered reported.

EXECUTIVE COMMUNICATIONS

On February 6, 2003, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 111. These reports had not been received at the time the report on S. 111 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by S. 111, as ordered reported.