

(The bill will be printed in a future edition of the RECORD.)

#### INCLUSION OF MIAMI CIRCLE IN BISCAYNE NATIONAL PARK

The Senate proceeded to consider the bill (S. 762) to direct the Secretary of the Interior to conduct a feasibility study on the inclusion of the Miami Circle in Biscayne National Park, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

##### SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Tequesta Indians were one of the earliest groups to establish permanent villages in southeast Florida;

(2) the Tequestas had one of only two North American civilizations that thrived and developed into a complex social chiefdom without an agricultural base;

(3) the Tequesta sites that remain preserved today are rare;

(4) the discovery of the Miami Circle, occupied by the Tequesta approximately 2,000 years ago, presents a valuable new opportunity to learn more about the Tequesta culture; and

(5) Biscayne National Park also contains and protects several prehistoric Tequesta sites.

(b) PURPOSE.—The purpose of this Act is to direct the Secretary to conduct a special resource study to determine the national significance of the Miami Circle site as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park.

##### SEC. 2. DEFINITIONS.

In this Act:

(1) MIAMI CIRCLE.—The term “Miami Circle” means the property in Miami-Dade County of the State of Florida consisting of the three parcels described in Exhibit A in the appendix to the summons to show cause and notice of eminent domain proceedings, filed February 18, 1999, in Miami-Dade County v. Brickell Point, Ltd., in the circuit court of the 11th judicial circuit of Florida in and for Miami-Dade County.

(2) PARK.—The term “Park” means Biscayne National Park in the State of Florida.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

##### SEC. 3. SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—Not later than one year after the date funds are made available, the Secretary shall conduct a special resource study as described in subsection (b). In conducting the study, the Secretary shall consult with the appropriate American Indian tribes and other interested groups and organizations.

(b) COMPONENTS.—In addition to a determination of national significance, feasibility, and suitability, the special resource study shall include the analysis and recommendations of the Secretary with respect to—

(1) which, if any, particular areas of or surrounding the Miami Circle should be included in the Park;

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

(3) any impact on the local area that would result from the inclusion of Miami Circle in the Park.

(c) REPORT.—Not later than 30 days after completion of the study, the Secretary shall submit a report describing 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.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

Amend the title so as to read: “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, and for other purposes.”

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 762), as amended, was read the third time and passed.

The title was amended so as to read:

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, and for other purposes.

#### AUTHORIZATION OF SENATE LEGAL COUNSEL

Mr. SANTORUM. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 203 submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative assistant read as follows:

A resolution (S. Res. 203) to authorize document production, testimony, and representation of Senate employees in the matter before the grand jury in the Western District of Pennsylvania.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution would authorize the offices of Senator RICK SANTORUM and Senator ARLEN SPECTER to respond to subpoenas for documents sought by a grand jury convened in the Western District of Pennsylvania. The subpoenas seek documents regarding a constituent inquiry made to both Senators' offices. Both Senators are cooperating with this investigation, and this resolution would authorize the custodian of records in each office to produce any relevant documents. This resolution would also authorize testimony by employees of the Senate, except where a privilege should be asserted, with representation by the Senate Legal Counsel in the event it becomes necessary.

The U.S. Attorney's office has indicated that no Senate party is a subject of this investigation.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any state-

ments relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 203) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

##### S. RES. 203

Whereas, in a proceeding before a grand jury in the United States District Court of the Western District of Pennsylvania, documents have been subpoenaed from the offices of Senators Arlen Specter and Rick Santorum, and testimony from Senate employees may be requested;

Whereas, by the privileges of the Senate of the United States and Rule XI of the standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(2), the Senate may direct its counsel to represent Members and employees of the Senate with respect to any subpoena, order, or request for testimony or the production of documents relating to their official responsibilities: Now, therefore be it

Resolved, That the records custodians in the offices of Senator Rick Santorum and Senator Arlen Specter, and any other employee of the Senate from whom testimony or document production may be required, are authorized to testify and produce documents in this grand jury proceeding or in any related proceeding, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Senators Specter and Santorum and any employee of the Senate in connection with the document production and testimony authorized in section one of this resolution.

#### INTERIM CONTINUATION OF MOTOR CARRIER FUNCTIONS BY THE FEDERAL HIGHWAY ADMINISTRATION

Mr. SANTORUM. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of H.R. 3036, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3036) to provide for the interim continuation of motor carrier functions by the Federal Highway Administration.

There being no objection, the Senate proceeded to consider the bill.

Mr. HOLLINGS. Mr. President, I rise in support of H.R. 3036. This legislation is being considered to remedy language included in section 338 of the Department of Transportation and Related Agencies Appropriations Act, 2000. Contained in the FY 2000 DOT Conference

Report was a provision that prohibits the enforcement of civil penalties against truck and commercial vehicles for safety violations until separate legislation is passed to move motor carrier safety functions out of the Federal Highway Administration (FHWA). The provision would also have the impact of eliminating authority to shut down unfit carriers who pose a serious threat to highway safety.

While it is the intent of the committee to mark up a bill this month, it does not make sense to hamstring the agency charged with regulating and enforcing safety until the legislative process has taken its course. H.R. 3036 passed the House last night under suspension of the rules and quick consideration by the Senate today will ensure that the enforcement authority for motor carriers will be restored to the DOT. As we consider authorizing legislation that will reorganize and reprioritize the functions of the Office of Motor Carriers, this legislation will enable the federal government to continue to enforce important federal truck safety rules.

This bill is fair in that it provides authority to DOT to continue to levy penalties until we finalize legislation on this matter. There are pending bills in both bodies, it would be premature to change the functions of this critical safety agency prior to the completion of properly considered legislation.

Mr. McCAIN. Mr. President, we must take swift action to remedy a serious safety consequence which resulted upon enactment of H.R. 2084, the Fiscal Year 2000 Transportation Appropriations Bill, P.L. 106-69.

Signed into law last Saturday, section 338 of this law prevents the Federal Highway Administration (FHWA) from expending any funds for motor carrier safety activities. Although the new law allows the Secretary to transfer the safety functions elsewhere, which has already occurred, there are some safety activities solely vested in FHWA and the Secretary is precluded by law from permitting any other entity to carry out those duties. In particular, the Department's safety enforcement program has nearly come to a halt as a result of the Appropriators' language.

We must restore the Department's ability to fully enforce our federal motor carrier safety regulations. Specifically, we need to restore the department's authority to assess civil penalties when safety violations have been identified. Currently, the Department can continue to carry out inspections, but in most cases has no authority to require a carrier to take corrective action. This is like a police officer pulling a driver over for speeding, but not being able to write a ticket.

Last Mother's Day, 22 people lost their lives when a charter bus ran off the road and crashed. After the acci-

dent, the Federal Highway Administration imposed the maximum fine against the company that it is statutorily authorized to assess. If we do not act, the fine will be held in abeyance. How can this be justified? I hope the Appropriators are finally the full consequences of this provision which was opposed by the authorizing Committees of jurisdiction.

The DOT Inspector General has repeatedly stated that strong enforcement with meaningful sanctions is needed at the Office of Motor Carriers. As long as this provision is allowed to stand, there will be no fines assessed against violators and efforts to strengthen Federal enforcement of motor carrier safety laws will be rendered meaningless.

Mr. President, the Senate Commerce Committee has been working to improve truck safety. Many serious safety gaps have been identified and I believe we need to transfer authority for safety to a separate Motor Carrier Safety Administration. But, we need to act responsibly. We need to allow the authorization process to proceed. We need to put drivers and passengers ahead of unreviewed, unexamined quick-fix gimmicks that have resulted in very disturbing and likely unintended consequences.

Last year, a similar attempt was made by the House Appropriations Committee to strip FHWA from its authority over motor carrier safety matters. As Chairman of the Senate Committee on Commerce, Science, and Transportation, which has jurisdiction over most federal transportation safety policies, including motor carrier and passenger vehicle safety, I opposed this proposal, in part because it had never been considered by the authorizing committees of jurisdiction. The provision was ultimately not enacted and I pledged that I would work to address motor carrier safety concerns in this Congress. I have lived up to this commitment.

At my request, the Inspector General of the Department of Transportation conducted a comprehensive analysis of federal motor carrier safety activities. Serious safety gaps have been identified, and as such, the authorizing Committees of jurisdiction have been working to move legislation to improve motor carrier safety. The Commerce Committee held a hearing on my specific safety proposal and we expect to mark up that measure during the next Executive session. Indeed, we are working to move legislation through the regular legislative process.

Public safety could be seriously jeopardized if Congress does not take quick action to restore federal motor carrier safety enforcement activities. I am aware safety improvements are necessary. I am working to pass those needed improvements. But halting motor carrier enforcement activities is

clearly not in the interest of truck and bus safety.

Mr. President, we cannot allow the destruction of the Federal government's motor carrier safety enforcement program. I fully support passage of H.R. 3036 to restore the Department's truck safety enforcement programs. I urge my colleague to support this much needed bill.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3036) was passed.

#### ORDERS FOR FRIDAY, OCTOBER 15, 1999

Mr. SANTORUM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:15 a.m. on Friday, October 15. I further ask unanimous consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin the vote on the conference report to accompany the VA-HUD appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### QUALITY CARE FOR THE UNINSURED ACT OF 1999

The PRESIDING OFFICER. The Chair has an announcement.

Under unanimous consent, the Chair lays before the Senate H.R. 2990. All after the enacting clause is stricken. The text of S. 1344 is inserted. The bill is read a third time, passed, and the Senate insists on its amendment and requests a conference with the House.

#### PROGRAM

Mr. SANTORUM. Mr. President, for the information of all Senators, the Senate will conduct a vote on the VA-HUD appropriations conference report tomorrow morning at approximately 9:15. Following the vote, the Senate will resume debate on the campaign finance reform bill, with further amendments to be expected. Senators are encouraged to work with the bill managers on a time to come to the floor to offer their amendments in a timely manner.

#### ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. SANTORUM. Mr. President, if there is no further business to come before the Senate, I now ask unanimous