HARKIN, Mr. DODD, Mr. LEAHY, Mr. BOND, Mr. BINGAMAN, Mr. CAMPBELL, Mr. MACK, Mr. TORRICELLI, Mr. GRASSLEY, Mr. INOUYE, Mr. HOLLINGS, Mr. ROBB, Mr. DURBIN, Mrs. BOXER, Mr. BRYAN, Mr. DASCHLE, Mr. FORD, Mr. D'AMATO, Mr. REID, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. FAIRCLOTH, Mr. LEVIN, Ms. COLLINS, Mr. KERRY, Mrs. MURRAY, Mr. REED, Mr. KENNEDY, Mr. SANTORUM, Mrs. FEINSTEIN, and Mr. ROCKEFELLER):

S. 535. A bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson's disease; to the Committee on Labor and Human Resources.

By Mr. GRASSLEY (for himself, Mr. DEWINE, Mr. DASCHLE, Mr. BIDEN, Mr. D'AMATO, Mr. SHELBY, Mr. KOHL, Mr. GRAHAM, Mr. CLELAND, Mr. HATCH, Mr. HARKIN, Mr. THURMOND, Mr. STEVENS, Mr. DURBIN, Mr. HUTCHINSON, Mr. ABRAHAM, Mr. REID, Mr. FEINGOLD, and Mrs. MURRAY):

S. 536. A bill to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes; to the Committee on the Judiciary.

By Ms. MIKULSKI (for herself, Ms. SNOWE, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mrs. BOXER, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Ms. COLLINS, Ms. LANDRIEU, Mr. HARKIN, Mr. COCHRAN, Mr. KENNEDY, Mr. BIDEN, Mr. FAIRCLOTH, Mr. DASCHLE, Mr. WYDEN, Mr. INOUYE, Mr. SARBANES, Mr. BINGAMAN, Mr. HUTCHINSON, Mr. FORD, Mr. REID, Mr. LEAHY, Mr. DODD, Mr. ABRAHAM, Mr. BENNETT, Mr. CHAFEE, Mr. FEINGOLD, Mr. GREGG, Mr. REED, Mr. MACK, Mr. ROBB, Mr. JEFFORDS, Mr. LEVIN, Mr. FRIST, Mr. BOND, Mr. WELLSTONE, Mr. SPECTER, Mr. BURNS, Mr. GLENN, Mr. COATS, Mr. AKAKA, and Mr. LIEBERMAN):

S. 537. A bill to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program; to the Committee on Labor and Human Resources.

By Mr. CRAIG (for himself and Mr. KEMPTHORNE):

S. 538. A bill to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself, Mr. LIEBERMAN, Mr. DEWINE, and Mr. KOHL):

S. 539. A bill to exempt agreements relating to voluntary guidelines governing telecast material from the applicability of the antitrust laws; to the Committee on the Judiciary.

By Mr. BIDEN (for himself, Ms. MIKULSKI, and Mr. TORRICELLI):

S. 540. A bill to amend title XVIII of the Social Security Act to provide annual screening mammography and waive coinsurance for screening mammography for women age 65 or older under the medicare program; to the Committee on Finance.

By Mr. ALLARD:

S. 541. A bill to provide for an exchange of lands with the city of Greely, Colorado, and The Water Supply and Storage Company to eliminate private inholdings in wilderness areas, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE:

S. 542. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FAR HORIZONS; to the Committee on Commerce, Science, and Transportation.

By Mr. COVERDELL (for himself, Mr. MCCONNELL, Mr. ABRAHAM, Mr. SANTORUM, and Mr. ASHCROFT):

S. 543. A bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers; read the first time.

S. 544. A bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCAIN (for himself, Mr. KERRY, Mr. HELMS, Mr. KERREY, Mr. ROBB, Mr. ROTH, and Mr. THOMAS):

S. Res. 69. Resolution expressing the sense of the Senate regarding the March 30, 1997, terrorist grenade attack in Cambodia; to the Committee on Foreign Relations.

By Mr. D'AMATO (for himself, Mr. CAMPBELL, Mr. KEMPTHORNE, Mr. ABRAHAM, Mr. LAUTENBERG, Mr. GRAHAM, Mr. REID, and Mr. FEINGOLD):

S. Con. Res. 19. Concurrent resolution concerning the return of or compensation for wrongly confiscated foreign properties in formerly Communist countries and by certain foreign financial institutions; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL (for himself and Mr. CONRAD):

S. 528. A bill to require the display of the POW/MIA flag on various occasions and in various locations; to the Committee on the Judiciary.

THE NATIONAL POW/MIA RECOGNITION ACT OF 1997

Mr. CAMPBELL. Mr. President, I want to begin my statement today describing a powerful and emotional sight that moves us to the core of our faith and beliefs about America and about those who served in the Armed Forces of our Nation.

Many of us have visited one or more of the military academies that train our future military leaders. These academies have varied missions and yet all of them share in the critical task of developing leaders for their particular service. On the grounds of each academy is a chapel, a spectacular place that at once identifies itself as a place of worship.

In each chapel, a place has been reserved for the prisoners of war and the missing in action from their particular service. A pew has been set aside and marked by a candle, a powerful symbol that not all have returned from battle. This hallowed place has been set aside so that all POW's and MIA's are remembered with dignity and honor. It is a moving and emotional moment to pause at this reserved pew, to be encouraged by the burning candle, to recall the valor and sacrifice of those soldiers, sailors, and pilots and to be inspired today by what they have done.

We can do more to honor the memory of the POW's and MIA's who have served in our Nation's wars.

Therefore, today I am introducing the National POW/MIA Recognition Act of 1997. This act would authorize the POW/MIA flag to be displayed over military installations, post offices, and memorials around the Nation and other appropriate places of significance on Armed Forces Day, Memorial Day, Flag Day, Independence Day, Veterans Day, National POW/MIA Recognition Day, and on the last business day before each of the preceding holidays. A companion bill has been introduced in the House of Representatives by Congresswoman JANE HARMAN from California.

Congress has officially recognized the National League of Families POW/MIA flag. Displaying this flag would be a powerful symbol to all Americans that we have not forgotten—and will not forget.

As you know, the United States has fought in many wars, and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action. In 20th century wars alone, more than 147,000 Americans were captured and became prisoners of war; of that number more than 15,000 died while in captivity. When we add to the number those who are still missing in action, we realize that more can be done to honor their commitment to duty, honor, and country.

The display of the POW/MIA flag would be a forceful reminder that we care not only for them, but also for their families who personally carry with them the burden on sacrifice. We want them to know that they do not stand alone, that we stand with them and beside them, as they remember the loyalty and devotion of those who served.

As a veteran who served in Korea, I personally know that the remembrance of another's sacrifice in battle is one of the highest and most noble acts we can do. Let us now demonstrate our indebtedness and gratitude for those who served that we might live in freedom.

Just as those special reserved pews in the chapels of the military academies recall the spirit and presence of our POW's and MIA's, so too will the display of their flag over military installations and other Government offices be a special reminder that we have not forgotten—and will not forget. Before this coming Memorial Day I invite my Senate colleagues to please join me in passing this bill to display the POW/MIA flag on national days of celebration.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National POW/MIA Recognition Act of 1997''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the United States has fought in many wars, and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action;

(2) many of these Americans are still missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer tragic and continuing hardships;

(3) as a symbol of the Nation's concern and commitment to accounting as fully as possible for all Americans still held prisoner, missing, or unaccounted for by reason of their service in the Armed Forces and to honor the Americans who in future wars may be captured or listed as missing or unaccounted for, Congress has officially recognized the National League of Families POW/MIA flag; and

(4) the American people observe and honor with appropriate ceremony and activity the third Friday of September each year as National POW/MIA Recognition Day.

SEC. 3. DEFINITION OF POW/MIA FLAG.

In this Act, the term ''POW/MIA flag'' means the National League of Families POW/MIA flag recognized and designated by section 2 of Public Law 101–355 (104 Stat. 416).

SEC. 4. DISPLAY.

The POW/MIA flag shall be displayed on Armed Forces Day, Memorial Day, Flag Day, Independence Day, Veterans Day, National POW/MIA Recognition Day, and on the last business day before each of the preceding holidays, on the grounds or in the public lobbies of—

(1) major military installations as designated by the Secretary of Defense;

(2) Federal national cemeteries;

(3) the national Korean War Veterans Memorial;

(4) the national Vietnam Veterans Memorial;

(5) the White House;

(6) the official office of the—

(A) Secretary of State;

(B) Secretary of Defense;

(C) Secretary of Veterans Affairs; and

(D) Director of the Selective Service System; and

(7) United States Postal Service post offices.

SEC. 5. REPEAL OF PROVISION RELATING TO DISPLAY OF POW/MIA FLAG.

Section 1084 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (36 U.S.C. 189 note, Public Law 102–190) is repealed.

SEC. 6. REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the agency or department responsible for a location listed in section 2 shall prescribe any regulation necessary to carry out the provisions of this Act.

By Mr. GRASSLEY (for himself and Mr. GRAMS):

S. 529. A bill to amend the Internal Revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income; to the Committee on Finance.

THE FARM INDEPENDENCE ACT OF 1997

Mr. GRASSLEY. Mr. President, I rise to introduce a bill on the Internal Revenue Code. From time to time we need to change the Internal Revenue Code, particularly when it deals with agriculture. However, there may be some people listening who do not understand agriculture. They may see these efforts as doing something special for farmers. I want to clarify today that I am a person who comes from the school of thought that every penny of legal tax that is owed the Federal Government should be paid. But I think, also, we have a responsibility, as Representatives of the people, to make sure that we balance taxpayers' compliance with taxpayers' rights.

The legislation I am introducing today is centered on a proposition that has been the law for approximately 40 years. It proscribes that most farm landlords, just like small business people and other commercial landlords, should not have to pay self-employment tax on cash rent income. For 40 years it has been that way for farm people and city people alike. But in 1995, there was an Arkansas Federal tax court case that said the IRS could take other expansive factors into consideration. As a result of that tax case, the IRS decided to issue a related technical advice memorandum. These are widely deemed to be IRS policy statements on the law. As a result, many farm landlords are now treated differently from commercial and other city landlords. Consequently, farmers and retired farmers now find themselves paying 15.3 percent self-employment tax on cash rent.

So, I say to the IRS, as I give an explanation for my legislation this morning: Don't try to game the system. The law remains what people have counted on for 40 years. Unless there is an act of Congress, you ought to respect history before you change the rules. Obviously, the test of time ought to prove the taxpayer was right and the IRS was wrong, particularly since there now is a difference between the farm sector and the city sector.

The correct rationale is simple, the self employment tax applies to income from labor or employment. Income from cash rents represents the value of ownership or equity in land, not labor or employment. Therefore, the self employment tax should not ordinarily apply to income from cash rents.

So, along with Senator GRAMS of Minnesota, I am introducing this bill so farmers and retired farmers are not going to be encroached upon by the IRS and the Tax Code as a result of this Arkansas Federal tax court case and the IRS technical advice memorandum. The IRS has thus, through this court case and broadened by its own pronouncement, introduced a new barrier to the family farmer. Our legislation would remove this new IRS barrier so that farm families and retired farmers can continue to operate.

Specifically, our legislation would clarify that when the IRS is applying the self-employment tax to the cash rent farm leases, it should limit its inquisition to the lease agreement. This is not an expansion of the law for the taxpayers. Rather, it is a narrowing of an antitaxpayer expansion initiated by the Internal Revenue Service. The tax law does not ordinarily require cash rent landlords in cities to pay the self-employment tax. Indeed, cash rent farm landlords are the only ones occasionally required to pay the tax. This is due to a 40-year-old exception that allowed the retired farmers of the late 1950's to become vested in the Social Security system.

However, the law originally imposed the tax on farm landlords only when their lease agreements with their renters required the landlord to participate in the operation of the farm and in the farming of the land.

Forty years later and we are here today, the IRS has expanded the application of the self-employment tax for farmland owners. Now the Tax Court has told the IRS that in one particular instance, the IRS could look beyond the lease agreement. On this very limited authority, the IRS has unilaterally expanded the one court case even further so it now approximates a national tax policy.

Our legislation clarifies that the IRS should examine only the lease agreement. Thus, it would preserve the pre-1996 status quo. We want to preserve the historical self-employment tax treatment of farm rental agreements, equating them with landlords in small businesses and commercial properties within the cities. The 1957 tax law was designed to benefit retired farmers of that generation so that they would qualify for Social Security.

So, obviously, those persons of the 1950's have all since passed from the scene. Their children and grandchildren are now the victims of this IRS expansion of their old rule. Congress does not intend that farm owners be treated differently from other real estate owners, other than as they have been historically. We need the clarity provided in our legislation in order to turn back an improper, unilateral, and targeted IRS expansion of old tax law. In other words, I see this legislation as removing this new IRS barrier to the family farm and the American dream.

I ask unanimous consent that the text of our bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Farm Independence Act of 1997''.

SEC. 2. LEASE AGREEMENT RELATING TO EXCLUSION OF CERTAIN FARM RENTAL INCOME FROM NET EARNINGS FROM SELF-EMPLOYMENT.

(a) INTERNAL REVENUE CODE.—Section 1402(a)(1)(A) of the Internal Revenue Code of 1986 (relating to net earnings from self-employment) is amended by striking ''an arrangement'' and inserting ''a lease agreement''.

(b) SOCIAL SECURITY ACT.—Section 211(a)(1)(A) of the Social Security Act is amended by striking ''an arrangement'' and inserting ''a lease agreement''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

Mr. GRAMS. Mr. President, I rise this morning in strong support of the Farm Independence Act of 1997 which my good friend, Senator GRASSLEY, and I introduce here today. This legislation is critical in protecting American farmers and ranchers from yet another IRS attack—the third this year—on the family farm.

I suspect when President Grover Cleveland remarked that, ''just when you thought you were making ends meet, someone moves the ends,'' the former President must have been thinking about the Internal Revenue Service.

This time, the IRS has issued a decision in one of its technical advice memoranda that, if fully enforced, will result in a 15.3-percent tax increase for thousands of farmers. Let me repeat that. A recent IRS decision could result in a 15.3-percent tax increase for thousands of farmers.

Essentially, if a producer incorporates—and many Minnesota producers, both small and large, do—and then rents his land to the farm corporation, the rental income the farmer receives is not only subject to income tax but to an additional 15.3-percent self-employment tax.

The purpose of the Grassley-Grams Farm Independence Act of 1997 is simple and it is straightforward. Our bill would stop the IRS from imposing this 15.3-percent tax increase on our farmers and ranchers.

Mr. President, last Congress, we passed the most sweeping reforms in agricultural policy in 60 years and gave farmers the freedom to farm. At that time, we also promised farmers regulatory relief, improved research and risk management, free and fair trade, and—perhaps most importantly—we promised farmers tax relief.

Now, many of us in Congress have made tax relief a top priority. I do so, in part, because it is a top priority for Minnesota farmers, and toward this end, I am an original cosponsor of a bill to repeal the estate tax, and I strongly support legislation to cut capital gains taxes.

But, unfortunately, we haven't made much progress in convincing the President and some in Congress that this is not fat-cat legislation but absolutely necessary for the survival and success of the family farm.

But, even more frustrating than these obstacles to providing farmers with critical relief from the death tax and capital gains taxes are back-door attempts by the IRS to actually raise taxes on our farmers and ranchers.

First, came the alternative minimum tax which attacked cash-based accounting. Second, came a decision that income from culled cows—cows that don't milk—is income that disqualifies low-income farmers from receiving the earned income tax credit. And, now, the IRS wants to exact a 15.3-percent tax increase on thousands of American farmers and ranchers.

Mr. President, I am 100 percent committed to providing Minnesota farmers with tax relief they desperately need. I hope the President and others in Congress come around on this issue as well.

But, at a bare minimum, the President should send a signal to the IRS that these back-door attempts to raise revenues on the backs of the Nation's farmers and ranchers is totally unacceptable.

I am convinced that a second gold age of agriculture is within reach in the final days of this century and also the whole of the next if only we in Government help—rather than hinder—our farmers' and ranchers' efforts.

So, Mr. President, I urge my colleagues to support the Farm Independence Act of 1997. I also commend the Senator from Iowa for his leadership on this issue.

By Mr. KOHL:

S. 530. A bill to amend title 11, United States Code, to limit the value of certain real and personal property that a debtor may elect to exempt under State or local law, and for other purposes; to the Committee on the Judiciary.

THE BANKRUPTCY ABUSE REFORM ACT OF 1997

Mr. KOHL. Mr. President, I rise today to introduce the Bankruptcy Abuse Reform Act of 1997, legislation which addresses a serious problem that threatens Americans' confidence in our bankruptcy laws. The measure would cap at $100,000 the State homestead exemption that an individual filing for personal bankruptcy can claim. It passed the Senate last term when it was included into the Bankruptcy Technical Corrections Act (S. 1559), and I hope that we can all support this measure again this year. The goal of our measure is simple but vitally important: to make sure that our Bankruptcy Code is more than just a beachball for crooked millionaires who want to hide their assets.

Let me tell you why this legislation is critically needed. In chapter 7 Federal personal bankruptcy proceedings, the debtor is allowed to exempt certain possessions and interests from being used to satisfy his outstanding debts. One of the chief things that a debtor seeks to protect is his home, and I agree with that in principle. Few question that debtors should be able to keep the roofs over their heads. But, in practice, this homestead exemption has become a source of abuse.

Under section 522 of the Code, a debtor may opt to exempt his home according to local, State, or Federal bankruptcy provisions. The Federal exemption allows the debtor to shield up to $15,000 of value in his house. The State exemptions vary tremendously: some States do not allow the debtor to exempt any of his home's value, while eight States set no ceiling and allow an unlimited exemption. The vast majority of States have exemptions under $40,000.

My amendment under section 522 would cap State exemptions so that no debtor could ever exempt more than $100,000 of the value of his home.

Mr. President, in the last few years, the ability of debtors to use State homestead exemptions has led to flagrant abuses of the Bankruptcy Code. Multimillionaire debtors have moved to one of the eight States that have unlimited exemptions—most often Florida or Texas—bought multi-million-dollar houses, and continued to live like kings even after declaring bankruptcy. This shameless manipulation of the Bankruptcy Code cheats creditors out of compensation and rewards only those who can game the system. Oftentimes, the creditor who is robbed is the American taxpayer. In recent years, S&L swindlers, insider trading convicts, and other shady characters have managed to protect their ill-gotten gains through this loophole.

One infamous S&L banker with more than $4 billion in claims against him bought a multi-million-dollar horse ranch in Florida. Another man who pled guilty to insider trading abuses lives in a 7,000-square-foot beachfront home worth $3.25 million—all tucked away from the $2.75 billion in suits against him. We read even now about the possibility that O.J. Simpson may seek to avoid the civil suit judgment against him buying a lavish home in Florida, a State with an unlimited exemption, and declaring bankruptcy to avoid paying his multimillion-dollar obligations. These deadbeats get wealthier while legitimate creditors—including the U.S. Government—get the short end of the stick.

Simply put, the current practice is grossly unfair and contravenes the intent of our laws: People are supposed to get a fresh start, not a head start, under the Bankruptcy Code.

In addition, these unlimited homestead exemptions have made it increasingly difficult for the Federal Deposit Insurance Corporation and the Resolution Trust Corporation to go after S&L crooks. With the S&L crisis costing us billions of dollars and with a deficit that still remains unacceptably high, we owe it to the taxpayers to make it as hard as possible for those responsible for fraud to profit from their wrongs.

Mr. President, the legislation that I have introduced today is simple, effective, and straightforward. It caps the homestead exemption at $100,000, which is close to the average price of an

American house. And it will protect middle class Americans while preventing the abuses that are making the American middle class question the integrity of our laws—the abuses the average American taxpayer is paying for out of pocket.

Indeed, it is even generous to debtors. Other than the eight States that have no limit to the homestead exemption, no State has a homestead exemption exceeding $100,000. In fact, 38 States have exemptions of $40,000 or less. My own home State of Wisconsin has a $40,000 exemption and that, in my opinion, is more than sufficient.

Mr. President, this proposal is an effort to make our bankruptcy laws more equitable. I urge my colleagues to support this important measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bankruptcy Abuse Reform Act of 1997''.

SEC. 2. LIMITATION.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)(2)(A), by inserting ''subject to subsection (n),'' before ''any property''; and

(2) by adding at the end the following new subsection:

''(n) As a result of electing under subsection (b)(2)(A) to exempt property under State or local law, a debtor may not exempt an aggregate interest that exceeds $100,000 in value in—

''(1) real or personal property that the debtor or a dependent of the debtor uses as a residence;

''(2) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

''(3) a burial plot for the debtor or a dependent of the debtor.''.

By Mr. ROTH (for himself, Mr. BAUCUS, Mr. BIDEN, Mrs. BOXER, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mrs. MURRAY, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN):

S. 531. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

ARCTIC NATIONAL WILDLIFE REFUGE LEGISLATION

Mr. ROTH. Mr. President, I read recently that ''the best thing we have learned from nearly five hundred years of contact with the American wilderness is restraint,'' the need to stay our hand and preserve our precious environment and future resources rather than destroy them for momentary gain.

With this in mind, Ioffer legislation today that designates the coastal plain of Alaska as wilderness area. At the moment this area is a national wildlife refuge—one of our beautiful and last frontiers. By changing its designation, Mr. President, we can protect it forever.

And I can't stress how important this is.

The Alaskan wilderness area is not only a critical part of our Earth's ecosystem—the last remaining region where the complete spectrum of arctic and subarctic ecosystems comes together—but it is a vital part of our national consciousness. It is a place we can cherish and visit for our soul's good. It offers us a sense of well-being and promises that not all dreams have been dreamt.

The Alaskan wilderness is a place of outstanding wildlife, wilderness and recreation, a land dotted by beautiful forests, dramatic peaks and glaciers, gentle foothills and undulating tundra. It is untamed—rich with caribou, polar bear, grizzly, wolves, musk oxen, Dall sheep, moose, and hundreds of thousands of birds—snow geese, tundra swans, black brant, and more. In all, about 165 species use the coastal plain.

It is an area of intense wildlife activity. Animals give birth, nurse and feed their young, and set about the critical business of fueling up for winters of unspeakable severity.

The fact is, Mr. President, there are parts of this Earth where it is good that man can come only as a visitor. These are the pristine lands that belong to all of us. And perhaps most importantly, these are the lands that belong to our future.

Considering the many reasons why this bill is so important, I came across the words of the great Western writer, Wallace Stegner. Referring to the land we are trying to protect with this legislation, he wrote that it is ''the most splendid part of the American habitat; it is also the most fragile.'' And we cannot enter ''it carrying habits that [are] inappropriate and expectations that [are] surely excessive.''

The expectations for oil exploration in this pristine region are excessive. There is only a 1-in-5 chance of finding any economically recoverable oil in the refuge. And if oil is found, the daily production of 400,000 barrels per day is less than 0.7 percent of world production—far too small to meet America's energy needs for more than a few months.

In other words, Mr. President, there is much more to lose than might ever be gained by tearing this frontier apart. Already, some 90 percent of Alaska's entire North Slope is open to oil and gas leasing and development. Let's keep this area as the jewel amid the stones.

What this bill offers—and what we need—is a brand of pragmatic environmentalism, an environmental stewardship that protects our important wilderness areas and precious resources, while carefully and judiciously weighing the short-term desires or our country against its long-term needs.

Together, we need to embrace environmental policies that are workable and pragmatic, policies based on the desire to make the world a better place for us and for future generations. I believe a strong economy, liberty, and progress are possible only when we have a healthy planet—only when resources are managed through wise stewardship—only when an environmental ethic thrives among nations—and only when people have frontiers that are untrammeled and able to host their fondest dreams.

Mr. LIEBERMAN. Mr. President, I am proud to join again with Senator ROTH in this effort to designate the Arctic National Wildlife Refuge as a wilderness area.

This legislation would save the American people the huge social and environmental costs of unwise and unnecessary development of one of nature's crown jewels. The Arctic National Wildlife Refuge is the last complete Alaskan wilderness with elements of each tundra ecosystem, the biological heart of the North Slope of Alaska. It is on a par with our other great national resources, including the Grand Canyon, Yellowstone, Jackson Hole, the Badlands, Glacier Bay, and Denali. This is a unique piece of God's Earth that must be preserved for our entire Nation for centuries to come.

Make no mistake, environmental impacts to the Arctic National Refuge from oil development would be severe and irreversible. The refuge includes the calving grounds for one of the largest caribou herds in North America, the Porcupine herd—152,000 strong. Native American customs have centered around the herd's annual migration for at least 20,000 years. The refuge is a treasure chest of plants, animals, and wilderness unique to the world in terms of abundance, diversity, and value to humankind. Over 200 species of plants and animals thrive in the refuge, including muskoxen, snow geese, Arctic foxes, Arctic grayling, and Arctic char. It is the only natural area in the United States with all three species of North American bears—the black bear, the grizzly bear and the polar bear. It is one of the most natural areas in our Nation, untouched by development, and the last of its kind.

Many environmental studies demonstrate that the negative environmental effects of opening the Arctic Refuge to development will be severe. Biologists from Federal and State agencies and universities have concluded that oil development will harm the calving of the caribou herd, and reduce its long term numbers very significantly. The Office of Management and Budget has stated that ''exploration and development activities would bring physical disturbances to the area, unacceptable risks of oil spills and pollution, and long-term effects that would harm wildlife for decades.'' Raymond Cameron, formerly of the Alaska Department of Fish and Game, documented that 19 percent

fewer calves are born to caribou cows on developed lands as opposed to undeveloped lands, with a 2-percent margin of error. His study also documented that caribou cows miss yearly calving at a 36-percent rate in developed areas, versus only 19 percent in undeveloped areas. Even a small change in calving success can lead to long-term population declines. A study by the State of Alaska showed that the Arctic caribou herd at Prudhoe Bay declined from 23,400 to 18,100—23 percent—since 1992. All the population decline occurred in habitat affected by oil development, while herds in undeveloped areas grew slightly. Biologists fear that development impacts would be proportionately greater on the herd that uses the Arctic Refuge.

The amount of oil that potentially can be recovered from the Arctic Refuge is simply too small to affect our energy security, and too destructive to the environment to be worth it. A 1995 assessment of petroleum reserves by the U.S. Geological Survey reported that there is a 95-percent chance that only 148 million barrels of oil exist in the refuge. This would amount to a drop in the national oil bucket—an 8-day supply. Even if the USGS high estimate were correct, the refuge would hold at most a 290-day supply for the United States.

We can all hope for another strike like Prudhoe Bay. But the simple reality, based on the very best geological science and economics available today, is that alternative energy supplies, as well as the real energy savings from national energy conservation programs, are far more reliable, tangible, and less destructive energy sources than a wild gamble with the Alaskan wilderness.

The remaining 90 percent of the Alaskan North Slope is already open to oil and gas leasing. Is it too much to protect what little we have left? Every reliable national poll conducted on this issue shows Americans of all political persuasions are against development in the refuge by a more than three to one margin. Let's honor our history of conservation and protect the future for generations to come, by saving the Arctic National Wildlife Refuge.

By Mr. BAUCUS (for himself, Mr. KEMPTHORNE, Mr. THOMAS, Mr. DORGAN, Mr. CONRAD, Mr. DASCHLE, Mr. JOHNSON, Mr. CRAIG, Mr. BURNS, Mr. ENZI, Mr. HARKIN, Mr. BINGAMAN, Mr. ROBERTS, Mr. KERREY, and Mr. GRASSLEY):

S. 532. A bill to authorize funds to further the strong Federal interest in the improvement of highways and transportation, and for other purposes; to the Committee on Environment and Public Works.

SURFACE TRANSPORTATION AUTHORIZATION AND REGULATORY STREAMLINING ACT

Mr. BAUCUS. Mr. President, I am pleased today to introduce the Surface Transportation Authorization and Regulatory Streamlining Act, or STARS 2000. I am joined in this effort by my colleagues on the Environment and Public Works Committee, Senators KEMPTHORNE and THOMAS. And by Senators DORGAN, CONRAD, DASCHLE, JOHNSON, BURNS, CRAIG, ENZI, HARKIN, BINGAMAN, ROBERTS, and KERREY of Nebraska.

This bill reauthorizes this Nation's surface transportation programs for the year 2000, and beyond.

As most of my colleagues know, we must act soon to renew these programs since today's law, the Intermodal Surface Transportation Efficiency Act, or ISTEA, will expire on September 30.

STARS 2000 builds on the progress already made by ISTEA. But it also makes some important improvements. Let me focus on the three most significant aspects of the bill.

FUNDING LEVELS

First, the bill increases funding for our highway programs to $27 billion annually. Transportation is a critical part of our Nation's economic growth and prosperity. The investments we make today in transportation will help keep us globally competitive well into the next century.

Furthermore, these investments directly generate hundreds of thousands of jobs—in Montana, in Idaho, in Illinois, in every State. They also indirectly help sustain businesses and millions more jobs all across the country.

The funding in STARS 2000 will support all types of transportation projects. It also will enable States and local governments to make the investment decisions that best reflect their transportation priorities.

The funding level in STARS 2000 corresponds to the amount of money estimated to be in the highway trust fund over the next 6 years.

As my colleagues know, this is money already being collected from the tax on gasoline and other fuels. My view is that we should spend it for the purpose for which it was collected.

Even with this increase, however, we will not eliminate the shortfall in meeting our transportation needs. The Department of Transportation estimates that over $50 billion would be needed each year in order to just maintain current highway and bridge conditions.

Yet, today annual spending by all levels of government is only $39 billion per year.

Our competitors know the advantage of a sound transportation system. That is why Japan invests over four times what we do in transportation as a percentage of GDP. The Europeans spend twice as much.

We cannot afford to squander this important competitive edge. While STARS 2000 is not the complete solution, it is a big step in the right direction.

STREAMLINING

Second, STARS 2000 dramatically streamlines and simplifies today's transportation programs. It reduces administrative burdens on the States and the complexity of the programs by consolidating several funding categories and by allowing for greater flexibility in decisionmaking.

The bill has two key categories for funding. The National Highway System, which makes up 60 percent of the core program, and the Surface Transportation Program, which accounts for the remaining 40 percent.

The National Highway System carries the bulk of our recreational and commercial traffic. It consists of 160,000 miles of highways, including the entire 45,000 mile Interstate System.

These roads connect our cities and towns. Our farms to their markets. And our manufacturing facilities to our seaports. It just makes sense that the NHS should be a priority.

STARS 2000 devotes over $14 billion annually to these roads.

As with current law, the Surface Transportation Program remains the most flexible category of funds. States can shift funds among projects to best serve their transportation needs. STARS 2000 retains ISTEA's programs and project eligibilities and includes over $9 billion annually for them.

FUNDING FORMULAS

Third, STARS 2000 updates ISTEA's funding formulas. One criticism of the current formulas is that they are based on outdated and unnecessary data.

This bill rectifies that problem by using up-to-date information.

The STARS formula also reflects the transportation needs of a State. We have included such factors as lane miles, vehicle miles traveled, and freeze-thaw cycles, to better account for the cost of maintaining and improving our highway system.

ENVIRONMENT

STARS 2000 also continues the commitment to the environment that began in ISTEA. It dedicates some $380 million annually to congestion mitigation and air quality projects.

Furthermore, it requires that these funds be spent on projects in areas that have not attained our transportation-related air quality standards.

Frankly, I had hoped to include more funding for these projects in this bill. But as this legislation progresses, I intend to work with my colleagues to see if we can't be more generous here.

STARS 2000 also continues the transportation enhancement program. This is an innovative program that has given States the ability to invest in nontraditional highway projects such as bike paths, pedestrian walkways and historic preservation.

CONCLUSION

In conclusion, STARS 2000 is a good bill. But it also is one of several bills that our committee will consider in the coming weeks.

Under the leadership of our chairman, Senator CHAFEE and our subcommittee chairman, Senator WARNER, along with Senator MOYNIHAN, and others, I have no doubt that these various

proposals will be brought together to produce a fair bill.

A bill that will bring this Nation and its transportation system into the next century.

Before yielding the floor, I wish to thank the primary cosponsors of this bill, Senators KEMPTHORNE and THOMAS, for their hard work in developing this legislation. I am also grateful for the help of our State transportation departments, particularly in Montana and Idaho, and their staff, in fashioning this bill.

STARS 2000 brings a new approach and some new ideas to our surface transportation policy. I commend it to my colleagues for their consideration.

Mr. President, I ask unanimous consent that a copy of the bill and a short summary of it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Surface Transportation Authorization and Regulatory Streamlining Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. POLICY.

Section 101 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) DECLARATION OF POLICY.—Congress finds and declares that—

''(1) investments in highways and transportation systems contribute to the Nation's economic growth, international competitiveness, and defense, and improve the personal mobility and quality of life of its citizens;

''(2) there are significant needs for increased Federal highway and transportation investment across the United States, including a need to improve and preserve Interstate System and other National Highway System routes, which are lifelines for the national economy;

''(3) the Federal Government's interest in transportation includes—

''(A) ensuring that people and goods can move efficiently over long distances between metropolitan areas and thus across rural areas;

''(B) ensuring that people and goods can move efficiently within metropolitan and rural areas;

''(C) preserving environmental quality and reducing air pollution;

''(D) promoting transportation safety; and

''(E) ensuring the effective use of intelligent transportation systems and other transportation technological innovations in both urban and rural settings;

''(4) rural States do not have the fiscal resources to support highway investments within their borders that benefit the United States as a whole by enabling the movement of people and goods between metropolitan areas and thus across rural States;

''(5) since State governments already take into account the public interest before making transportation decisions affecting citizens of the States—

''(A) the need for Federal regulation of State transportation activities is limited; and

''(B) it is appropriate for Federal transportation programs to be revised to minimize regulations and program requirements and to provide greater flexibility to State governments; and

''(6) the Federal Government should continue to allow States and local governments flexibility in the use of Federal highway funds and require transportation planning and public involvement in transportation planning.''.

TITLE I—LEVEL AND DISTRIBUTION OF FUNDS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) NATIONAL HIGHWAY SYSTEM.—For the National Highway System under section 103 of title 23, United States Code, $14,163,000,000 for each of fiscal years 1998 through 2003.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title, $9,442,000,000 for each of fiscal years 1998 through 2003.

(3) FEDERAL LANDS HIGHWAY INVESTMENTS.—

(A) FEDERAL LANDS HIGHWAYS PROGRAM.—

(i) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title, $191,000,000 for each of fiscal years 1998 through 2003.

(ii) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title, $172,000,000 for each of fiscal years 1998 through 2003.

(iii) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title, $84,000,000 for each of fiscal years 1998 through 2003.

(B) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 206 of that title, $155,000,000 for each of fiscal years 1998 through 2003.

(4) TERRITORIES.—For the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, collectively, $35,000,000 for each of fiscal years 1998 through 2003. Such sums shall be allocated among those territories at the discretion of the Secretary of Transportation.

SEC. 102. EFFECTIVE USE OF ADDITIONAL HIGHWAY ACCOUNT REVENUE.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''§ 162. Effective use of additional highway account revenue

''(a) DETERMINATION OF ADDITIONAL AMOUNTS TO BE APPORTIONED.—

''(1) PUBLICATION OF INFORMATION.—Not later than 90 days after the beginning of each fiscal year beginning with fiscal year 1999, the Secretary shall publish in the Federal Register the following information:

''(A) The total estimated revenue of the Highway Trust Fund (other than the Mass Transit Account) during the period consisting of that fiscal year and the 5 following fiscal years, including all interest income credited or to be credited during the period.

''(B) The amount obtained by dividing the amount determined under subparagraph (A) by 6.

''(C) The amount obtained by subtracting $27,000,000,000 from the amount determined under subparagraph (B).

''(2) APPORTIONMENT.—If the amount determined under paragraph (1)(C) is greater than zero, the Secretary shall—

''(A) multiply that amount by 0.85; and

''(B) apportion the amount determined under subparagraph (A) in accordance with subsection (b)(1).

''(b) METHOD OF APPORTIONMENT.—

''(1) IN GENERAL.—For each fiscal year, the amount determined under subsection (a)(2) shall be apportioned as follows:

''(A) 60 percent of the amount shall be added to the amount authorized to be appropriated for the fiscal year for the National Highway System under section 101(1) of the Surface Transportation Authorization and Regulatory Streamlining Act.

''(B) 40 percent of the amount shall be added to the amount authorized to be appropriated for the fiscal year for the surface transportation program under section 101(2) of that Act.

''(2) APPORTIONMENT ADJUSTMENT PROGRAM.—After making the apportionment under paragraph (1), the Secretary shall make such additional apportionments as are necessary under section 157.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section such sums as are necessary for fiscal year 1999 and each fiscal year thereafter.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''162. Effective use of additional highway user taxes.''.

SEC. 103. APPORTIONMENT OF PROGRAM FUNDS.

(a) IN GENERAL.—Section 104(b) of title 23, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) NATIONAL HIGHWAY SYSTEM.—

''(A) APPORTIONMENT.—For the National Highway System, as follows:

''(i) INTERSTATE LANE MILES.—20 percent in the ratio that lane miles on Interstate routes in each State bears to the total of all such lane miles in all States.

''(ii) INTERSTATE VEHICLE MILES TRAVELED.—25 percent in the ratio that vehicle miles traveled on Interstate routes in each State bears to the total of all such vehicle miles in all States.

''(iii) NATIONAL HIGHWAY SYSTEM LANE MILES.—30 percent in the ratio that lane miles on National Highway System routes in each State bears to the total of all such lane miles in all States.

''(iv) NATIONAL HIGHWAY SYSTEM VEHICLE MILES TRAVELED.—10 percent in the ratio that vehicle miles traveled on the National Highway System in each State bears to the total of all such vehicle miles in all States.

''(v) SPECIAL FUEL.—15 percent in the ratio that special fuels volume for each State bears to the total special fuels volume for all States.

''(B) USE OF DATA.—In making the calculations for this paragraph, for paragraph (3), and for section 157, the Secretary shall use the most recent calendar or fiscal year for which data are available as of the first day of the fiscal year for which the apportionment is to be made.

''(C) DEFINITIONS.—In this paragraph:

''(i) LANE MILES ON INTERSTATE ROUTES.—The term 'lane miles on Interstate routes' shall have the meaning used by the Secretary in developing Highway Statistics Table HM–60.

''(ii) LANE MILES ON NATIONAL HIGHWAY SYSTEM ROUTES.—The term 'lane miles on National Highway System routes' shall have the meaning used by the Secretary in developing Highway Statistics Table HM–48.

''(iii) SPECIAL FUELS VOLUME.—The term 'special fuels volume' shall have the meaning used by the Secretary in developing column 8 of Highway Statistics Table MF–2.

''(iv) STATE.—The term 'State' means each of the 50 States and the District of Columbia.

''(v) VEHICLE MILES TRAVELED.—The terms 'vehicle miles traveled on Interstate routes' and 'vehicle miles traveled on the National Highway System' shall have the meanings used by the Secretary in developing Highway Statistics Table VM–3.'';

(2) by striking paragraph (2);

(3) by striking paragraph (3) and inserting the following:

''(3) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program, as follows:

''(A) FEDERAL-AID HIGHWAY LANE MILES.—25 percent in the ratio that lane miles on Federal-aid highways in each State bears to the total of all such lane miles in all States.

''(B) FEDERAL-AID HIGHWAY VEHICLE MILES TRAVELED.—53 percent in the ratio that vehicle miles traveled on Federal-aid highways in each State bears to the total of all such vehicle miles in all States.

''(C) BRIDGE DECK SURFACE AREA.—10 percent in the ratio that the square footage of bridge deck surface in each State, including such square footage with respect to bridges not on Federal-aid highways, bears to the total of such square footage in all States, except that, in this subparagraph, the term 'bridge' includes only structures of at least 20 feet in length.

''(D) AIR QUALITY.—4 percent in accordance with the following table:

"State	Percentage
Alabama	0.41
Alaska	0.00
Arizona	1.50
Arkansas	0.00
California	23.02
Colorado	0.00
Connecticut	2.63
Delaware	0.45
District of Columbia	0.48
Florida	3.34
Georgia	1.73
Hawaii	0.00
Idaho	0.00
Illinois	5.48
Indiana	1.26
Iowa	0.00
Kansas	0.00
Kentucky	0.82
Louisiana	0.47
Maine	0.48
Maryland	3.47
Massachusetts	4.60
Michigan	3.25
Minnesota	0.00
Mississippi	0.00
Missouri	1.11
Montana	0.00
Nebraska	0.00
Nevada	0.17
New Hampshire	0.43
New Jersey	6.45
New Mexico	0.00
New York	10.96
North Carolina	1.38
North Dakota	0.00
Ohio	4.91
Oklahoma	0.00
Oregon	0.66
Pennsylvania	6.76
Rhode Island	0.65
South Carolina	0.00
South Dakota	0.00
Tennessee	1.25
Texas	5.47
Utah	0.55
Vermont	0.00
Virginia	2.38
Washington	1.78
West Virginia	0.30
Wisconsin	1.40
Wyoming	0.00.

''(E) POPULATION IN RELATION TO LANE MILES.—2 percent, as follows: The Secretary shall (i) divide the total population of all States by the total number of lane miles on Federal-aid highways in all States; (ii) for each State divide the State's population by the number of lane miles on Federal-aid highways within its borders; (iii) for each State divide the number determined by (ii) into the number determined by (i); (iv) add together the number determined under (iii) for every State; and (v) divide the number for each State under (iii) by the number for all States determined under (iv). The Secretary shall apportion to each State, of the funds apportioned under this subparagraph, the percentage equal to the number determined under (v).

''(F) FEDERAL LANDS.—5 percent as follows: The Secretary, after consultation with the General Services Administration, the Department of the Interior, and other agencies as appropriate, shall (i) determine the percentage of the total land in each State represented by the sum of the percentage of land owned by the Federal Government in the State and the percentage of land in the State held in trust by the Federal Government; (ii) add together the individual State percentages determined under clause (i) for all States; and (iii) divide the amount for each State under clause (i) by the amount for all States under clause (ii). The 5 percent shall be apportioned among the States in accord with each State's percentage under clause (iii).

''(G) FREEZE-THAW.—1 percent, to be apportioned among the States in accordance with the table set forth in clause (i), or in accordance with clause (ii).

''(i) TABLE.—

"State	Percentage
Alabama	1.2
Alaska	2.4
Arizona	1.0
Arkansas	1.4
California	0.8
Colorado	3.3
Connecticut	2.3
Delaware	1.8
District of Columbia	1.9
Florida	0.2
Georgia	1.1
Hawaii	0.0
Idaho	2.9
Illinois	1.9
Indiana	1.9
Iowa	2.1
Kansas	2.1
Kentucky	1.9
Louisiana	0.7
Maine	2.5
Maryland	2.0
Massachusetts	2.4
Michigan	2.2
Minnesota	2.0
Mississippi	1.1
Missouri	2.0
Montana	3.0
Nebraska	2.4
Nevada	2.2
New Hampshire	2.0
New Jersey	2.6
New Mexico	2.1
New York	2.9
North Carolina	2.3
North Dakota	2.2
Ohio	2.1
Oklahoma	1.6
Oregon	1.6
Pennsylvania	2.3
Rhode Island	2.1
South Carolina	1.4
South Dakota	2.5
Tennessee	1.8
Texas	1.1
Utah	3.2
Vermont	2.0
Virginia	1.9
Washington	1.8
West Virginia	2.2
Wisconsin	2.1
Wyoming	3.5.

''(ii) ALTERNATE APPROACH.—Notwithstanding section 315, the Secretary may, through notice and comment rulemaking, adopt an approach in lieu of the table set forth in clause (i) in order to apportion funds subject to this subparagraph among the States in a manner that reflects the relative frequency of freeze-thaw cycles within the States. The Secretary may use that alternate approach to apportioning funds for a fiscal year only if a final rule, adopted after notice and comment, is in effect prior to the beginning of that fiscal year.

''(H) DEFINITIONS.—In this paragraph:

''(i) LANE MILES ON FEDERAL-AID HIGHWAYS.—The term 'lane miles on Federal-aid highways' shall have the meaning used by the Secretary in developing Highway Statistics Table HM–60.

''(ii) STATE.—The term 'State' means each of the 50 States and the District of Columbia.

''(iii) VEHICLE MILES TRAVELED ON FEDERAL-AID HIGHWAYS.—The term 'vehicle miles traveled on Federal-aid highways' shall have the meaning used by the Secretary in developing Highway Statistics Table VM–2.'';

(4) in paragraph (5)—

(A) in subparagraph (A), by striking ''(A) Except as provided in subparagraph (B)—''; and

(B) by striking subparagraph (B); and

(5) by striking paragraph (6).

(b) POPULATION DETERMINATIONS.—Section 104 of title 23, United States Code, is amended by adding at the end the following:

''(k) POPULATION DETERMINATIONS.—For the purposes of subsection (b)(3) and section 157, population shall be determined on the basis of the most recent estimates prepared by the Secretary of Commerce.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 104(b) of title 23, United States Code, is amended in the matter preceding paragraph (1) by striking ''paragraph (5)(A) of this subsection'' and inserting ''paragraph (5)''.

(2) Section 137(f)(1) of title 23, United States Code, is amended by striking ''section 104(b)(5)(B) of this title'' and inserting ''section 104(b)(1)''.

(3) Section 139 of title 23, United States Code, is amended by striking ''sections

104(b)(1) and 104(b)(5)(B) of this title'' each place it appears and inserting ''section 104(b)(1)''.

(4) Section 142(c) of title 23, United States Code, is amended by striking ''section 104(b)(5)(A)'' and inserting ''section 104(b)(5)''.

(5) Section 159(b) of title 23, United States Code, is amended—

(A) in paragraph (1)(A)—

(i) in clause (i), by striking ''section 104(b)(5)(A)'' and inserting ''section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Surface Transportation Authorization and Regulatory Streamlining Act)''; and

(ii) in clause (ii), by striking ''section 104(b)(5)(B)'' and inserting ''section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Surface Transportation Authorization and Regulatory Streamlining Act)'';

(B) in paragraph (3)—

(i) in subparagraph (A), by striking ''section 104(b)(5)(A)'' and inserting ''section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Surface Transportation Authorization and Regulatory Streamlining Act)'';

(ii) in subparagraph (B), by striking ''(5)(B)'' and inserting ''(5)(B) (as in effect on the day before the date of enactment of the Surface Transportation Authorization and Regulatory Streamlining Act)''; and

(iii) in the last sentence, by striking ''section 104(b)(5)'' and inserting ''section 104(b)(5) (as in effect on the day before the date of enactment of the Surface Transportation Authorization and Regulatory Streamlining Act)''; and

(C) in paragraph (4), by striking ''section 104(b)(5)'' and inserting ''section 104(b)(5) (as in effect on the day before the date of enactment of the Surface Transportation Authorization and Regulatory Streamlining Act)''.

(6) Section 161(a) of title 23, United States Code, is amended by striking ''paragraphs (1), (3), and (5)(B) of section 104(b)'' each place it appears and inserting ''paragraphs (1) and (3) of section 104(b)''.

(7) Section 1009 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 119 note; 105 Stat. 1933) is amended by striking subsection (c).

SEC. 104. APPORTIONMENT ADJUSTMENT PROGRAM.

(a) IN GENERAL.—Section 157 of title 23, United States Code, is amended to read as follows:

''§ 157. Apportionment adjustment program

''(a) DEFINITIONS.—In this section:

''(1) LOW-DENSITY STATE.—The term 'low-density State' means a State that is listed in the table in paragraph (4) and that has an average population density of 20 individuals or fewer per square mile.

''(2) SMALL STATE.—The term 'small State' means a State that is listed in the table in paragraph (4) and that has a population of 1,500,000 individuals or fewer and a land area of 10,000 square miles or less.

''(3) STATE.—The term 'State' means each of the 50 States and the District of Columbia.

''(4) STATED PERCENTAGE.—The term 'stated percentage', with respect to a State, means the percentage listed for the State in the following table:

''State	Percentage
Alaska	1.25
Delaware	0.40
Hawaii	0.55
Idaho	0.70
Montana	0.95
Nevada	0.67
New Hampshire	0.48
New Mexico	1.05
North Dakota	0.63
Rhode Island	0.55
South Dakota	0.70
Vermont	0.43
Wyoming	0.66.

''(b) PROGRAM.—On October 1 (or as soon as possible thereafter) of each fiscal year beginning after September 30, 1997, the Secretary shall apportion among the States, in addition to amounts apportioned under paragraphs (1) and (3) of section 104(b), and section 104(f)(2), the amounts required by this section.

''(c) ADDITIONAL APPORTIONMENTS AND SEQUENCE OF CALCULATING ADDITIONAL APPORTIONMENTS.—

''(1) FIRST CALCULATION.—The Secretary shall apportion $95,000,000 to the Commonwealth of Puerto Rico.

''(2) SECOND CALCULATION.—For each low-density State and each small State, the Secretary shall calculate the total amount obtained by multiplying the stated percentage for the State by the total amount of funds apportioned to all States under paragraphs (1) and (3) of section 104(b) and section 104(f)(2) plus the amount apportioned under paragraph (1). For any low-density or small State that received, under paragraphs (1) and (3) of section 104(b) and section 104(f)(2) combined, apportionments less than the amount for the State determined pursuant to the first sentence of this paragraph, the Secretary shall apportion to the State such additional amount as is required to make up that difference.

''(3) THIRD CALCULATION.—In addition to any amount required to be apportioned by paragraph (2) for a fiscal year, the Secretary shall make additional apportionments so that no State receives an amount that is less than the amount determined by multiplying (A) the percentage that is 95 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available by (B) the total amount of funds apportioned to all States immediately after the Secretary has made any additional apportionments required by paragraph (2).

''(4) FOURTH CALCULATION.—The Secretary shall determine for each State the percentage apportioned to that State of the total amount of funds apportioned to all States under paragraphs (1) and (3) of section 104(b). The Secretary shall calculate, for each State, the total amount obtained by multiplying (A) the percentage for that State under the first sentence of this paragraph by (B) the total amount of funds apportioned to all States after the apportionment made by paragraph (3). If the amount for a State under the calculation made under the preceding sentence, minus the total amount apportioned to that State after the apportionments made by paragraph (3), is greater than zero, the Secretary shall make an additional apportionment, equal to that amount, to that State.

''(5) FIFTH CALCULATION.—For each low-density State and each small State, the Secretary shall calculate the total amount obtained by multiplying the stated percentage for the State by the total amount of funds apportioned to all States after the apportionment made by paragraph (4). For any low-density or small State that receives, after the apportionment made by paragraph (4), total apportionments less than the amount for the State determined pursuant to the first sentence of this paragraph, the Secretary shall apportion to the State such additional amount as is required to make up that difference.

''(d) TERMS AND CONDITIONS.—Amounts apportioned in accordance with subsection (c), and amounts authorized to be appropriated under section 101(4) of the Surface Transportation Authorization and Regulatory Streamlining Act—

''(1) shall be available for obligation, when allocated, for the year authorized and the 3 following fiscal years;

''(2) shall be subject to this title; and

''(3) may be obligated for National Highway System projects under section 103, surface transportation program projects under section 133, or any other purpose authorized under this title.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section such sums as are necessary for fiscal year 1998 and each fiscal year thereafter.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157 and inserting the following:

''157. Apportionment adjustment program.''.

(c) REPEAL OF CERTAIN APPORTIONMENT ADJUSTMENT PROGRAMS.—

(1) REIMBURSEMENT FOR SEGMENTS OF THE INTERSTATE SYSTEM CONSTRUCTED WITHOUT FEDERAL ASSISTANCE.—

(A) IN GENERAL.—Section 160 of title 23, United States Code, is repealed.

(B) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 160.

(2) DONOR STATE BONUS AMOUNTS.—Section 1013 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 157 note; 105 Stat. 1940) is amended by striking subsection (c).

(3) HOLD HARMLESS APPORTIONMENT ADJUSTMENT.—Section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943) is amended by striking subsection (a).

(4) 90 PERCENT OF PAYMENTS ADJUSTMENT.—Section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1944) is amended by striking subsection (b).

SEC. 105. PROGRAM ADMINISTRATION, RESEARCH, AND PLANNING FUNDS.

(a) PROGRAM ADMINISTRATION.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking ''an apportionment is made of the sums authorized to be appropriated for expenditure on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, and the Interstate System'' and inserting ''apportionments are made pursuant to this section and section 157''; and

(ii) by striking ''not to exceed 3¾ per centum of all sums so authorized'' and inserting ''not to exceed 2 percent of the total of the apportionments'';

(B) by inserting after the first sentence the following: ''For the purpose of calculating apportionments referred to in the preceding sentence, the deductions made under this subsection shall be made only after the completion of all other aspects of calculating the apportionments and from amounts calculated without taking into account the deductions.''; and

(C) in the third sentence (after the amendment made by subparagraph (B)), by striking ''such determination'' and inserting ''the determination described in the first sentence''; and

(2) in the matter preceding paragraph (1) of subsection (b), by striking '', after making the deduction'' and all that follows through

the colon and inserting ''shall make apportionments for the fiscal year in the following manner:''.

(b) METROPOLITAN PLANNING.—Section 104(f) of title 23, United States Code, is amended by striking ''(f)(1)'' and all that follows through the end of paragraph (1) and inserting the following:

''(f) METROPOLITAN PLANNING.—

''(1) SET ASIDE.—On October 1 of each fiscal year, the Secretary shall set aside to carry out section 134 not to exceed 1 percent of the funds authorized to be appropriated for the National Highway System under section 103 and the surface transportation program under section 133.''.

(c) RESEARCH AND PLANNING.—Section 307 of title 23, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (f) the following:

''(g) FREEZE-THAW RESEARCH.—Not later than 90 days after the date of enactment of the Surface Transportation Authorization and Regulatory Streamlining Act, the Secretary shall undertake an enhanced level of research to determine means of reducing the long-term and short-term costs of constructing and maintaining asphalt pavement in areas with severe or frequent freeze-thaw cycles.

''(h) CONSIDERATION OF RURAL ISSUES IN TRANSPORTATION RESEARCH, INTELLIGENT TRANSPORTATION SYSTEMS, AND TECHNOLOGY PROGRAMS.—In selecting topics for research, allocating funds among contractors and State and local governments for research, and researching, developing, testing, and promoting intelligent transportation systems and other technological applications, the Secretary shall give careful consideration to the national interest in—

''(1) understanding transportation issues that affect rural areas;

''(2) developing a scientific and technological infrastructure in rural areas; and

''(3) permitting rural as well as metropolitan areas to benefit from the deployment of modern transportation technology.''.

SEC. 106. RECREATIONAL TRAILS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out the recreational trails program under part B of title I of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261 et seq.) $30,000,000 for each of fiscal years 1998 through 2003.

(b) APPORTIONMENT FORMULA.—

(1) ADMINISTRATIVE COSTS.—Whenever an apportionment is made of the sums authorized to be appropriated to carry out section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261), the Secretary shall deduct an amount, not to exceed 3 percent of the sums authorized, to cover the cost to the Secretary for administration of and research under the recreational trails program and for administration of the National Recreational Trails Advisory Committee. The Secretary may enter into contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations, and may enter into contracts with for-profit organizations, to carry out the administration and research described in the preceding sentence.

(2) APPROPRIATION TO THE STATES.—After making the deduction authorized by paragraph (1), the Secretary shall apportion the remainder of the sums authorized to be appropriated for expenditure on the recreational trails program for each fiscal year among the States in the following manner:

(A) EQUAL AMOUNTS.—Fifty percent of that amount shall be apportioned equally among eligible States (as defined in section 1302(g)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261(g)(1))).

(B) AMOUNTS PROPORTIONATE TO NONHIGHWAY RECREATIONAL FUEL USE.—Fifty percent of that amount shall be apportioned among eligible States (as defined in section 1302(g)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261(g)(1))) in amounts proportionate to the degree of nonhighway recreational fuel use in each of those States during the preceding year.

(c) CONTRACT AUTHORITY.—Funds authorized by this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any recreational trails project shall be determined in accordance with subsection (d).

(d) FEDERAL SHARE PAYABLE.—

(1) IN GENERAL.—Except as provided in paragraphs (2), (3), (4), and (5), the Federal share payable on account of a recreational trails project shall not exceed 80 percent.

(2) FEDERAL AGENCY PROJECT SPONSOR.—Notwithstanding any other provision of law, a Federal agency sponsoring a project under this section may contribute Federal funds toward a project's cost, if the share attributable to the Secretary of Transportation does not exceed 50 percent and the share attributable to the Secretary and the Federal agency jointly does not exceed 80 percent.

(3) ALLOWABLE MATCH FROM FEDERAL GRANT PROGRAMS.—Notwithstanding any other provision of law, the following Federal grant programs may be used to contribute Federal funds toward a project's cost and may be accounted for as contributing to the non-Federal share:

(A) The State and Local Fiscal Assistance Act of 1972 (Public Law 92–512).

(B) Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(C) The Public Works Employment Act of 1976 (42 U.S.C. 6701 et seq.).

(D) The Delaware and Lehigh Navigation Canal National Heritage Corridor Act of 1988 (16 U.S.C. 461 note; 102 Stat. 4552).

(E) The Job Training Partnership Act (29 U.S.C. 1501 et seq.).

(F) The National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

(G) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193).

(4) PROGRAMMATIC NON-FEDERAL SHARE.—A State may allow adjustments of the non-Federal share of individual projects if the total Federal share payable for all projects within the State under this program for a Federal fiscal year's apportionment does not exceed 80 percent. A project funded under paragraph (2) or (3) may not be included in the calculation of the programmatic non-Federal share.

(5) STATE ADMINISTRATIVE COSTS.—The Federal share payable on account of the administrative costs of a State, incurred in administering this program and carrying out statewide trail planning, shall be determined in accordance with section 120(b) of title 23, United States Code.

SEC. 107. RULES FOR ANY LIMITATIONS ON OBLIGATIONS.

(a) NONE ESTABLISHED.—Nothing in this Act establishes a limitation on the total of all obligations for any fiscal year for Federal-aid highways and highway safety construction programs.

(b) RULES FOR OBLIGATION AUTHORITY LIMITS.—Chapter 1 of title 23, United States Code (as amended by section 102(a)), is amended by adding at the end the following:

''§ 163. Rules for any limitations on obligations

''(a) IN GENERAL.—Any provision of a statute enacted before or after the date of enactment of this section that establishes a limitation on obligations for Federal-aid highways and highway safety construction programs for fiscal year 1998, or any fiscal year thereafter, shall be in accordance with this section (as in effect on the date of enactment of this section) or stated as an amendment to this section.

''(b) PROHIBITION ON CERTAIN LIMITATIONS.—Obligations under section 125, for Federal lands highway investments, and for recreational trails under part B of title I of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261 et seq.), shall not be subject to any limitation on obligation authority.

''(c) DISTRIBUTION OF OBLIGATION LIMITATIONS.—

''(1) IN GENERAL.—If, with respect to fiscal year 1998 or any fiscal year thereafter, a provision of a statute establishes a limitation on obligations for Federal-aid highways and highway safety construction programs, paragraphs (2) through (4) shall apply.

''(2) DISTRIBUTION FORMULA.—For a fiscal year, any limitation described in paragraph (1) shall be distributed among the States by allocation in the ratio that—

''(A) the total of the amounts apportioned to each State under sections 104, 157, and 162 for the fiscal year; bears to

''(B) the total of the amounts apportioned to all States under those sections for the fiscal year.

''(3) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—

''(A) IN GENERAL.—Notwithstanding any limitation described in paragraph (1), for each fiscal year, the Secretary—

''(i) shall provide each State with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction programs that have been apportioned or allocated to the State, except in those cases in which the State indicates its intention to lapse sums apportioned to the State;

''(ii) after August 1 of the fiscal year—

''(I) shall revise a distribution of the funds made available under the limitation described in paragraph (1) for the fiscal year if a State will not obligate the amount distributed during the fiscal year; and

''(II) shall redistribute sufficient amounts to States able to obligate amounts in addition to the amounts previously distributed for the fiscal year, giving priority to those States that have unobligated balances of funds apportioned that are relatively large when compared to the amount of funds apportioned to those States under sections 104 and 157 for the fiscal year; and

''(iii) shall not distribute amounts authorized for administrative expenses.

''(B) STATE INFRASTRUCTURE BANKS.—For the purposes of subparagraph (A)(ii), funds made available and placed in a State infrastructure bank approved by the Secretary but not obligated out of the bank shall be considered to be not obligated.

''(4) ADDITIONAL OBLIGATION AUTHORITY.—

''(A) IN GENERAL.—Subject to paragraph (3), a State that after August 1 and on or before September 30 of a fiscal year obligates the amount distributed to the State for the fiscal year under paragraph (2) may obligate for Federal-aid highways and highway safety construction programs on or before September 30 of the fiscal year an additional amount not to exceed 5 percent of the aggregate amount of funds apportioned or allocated to the State under sections 104 and 157

that are not obligated on the date on which the State completes obligation of the amount so distributed.

''(B) LIMITATION ON ADDITIONAL OBLIGATION AUTHORITY.—During the period August 2 through September 30 of each fiscal year, the aggregate amount that may be obligated by all States under subparagraph (A) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States under sections 104 and 157 that would not be obligated in the fiscal year if the total amount of obligation authority provided for the fiscal year were used.

''(C) LIMITATION ON APPLICABILITY.—In the case of a fiscal year, subparagraph (A) shall not apply to any State that on or after August 1 of the fiscal year has the amount distributed to the State under a limitation for the fiscal year reduced under paragraph (3).

''(d) MAINTENANCE OF OVERALL PROGRAM BALANCE.—If a limitation on obligations is established for a fiscal year—

''(1) the Secretary shall determine the percentage by which the limitation reduces the amount of funds that otherwise would be available for obligation by each State; and

''(2) notwithstanding sections 133, 144, and 149, for the fiscal year, the amounts that are required to be made available for use in the State under paragraphs (1) and (2) of section 133(d), the amounts that the State is required to reserve under section 144, and the amounts subject to section 149, shall be reduced by the percentage determined by the Secretary under paragraph (1).''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 102(b)), is amended by adding at the end the following:

''163. Rules for limitations on obligation authority.''.

TITLE II—PROGRAM STREAMLINING

SEC. 201. PLANNING-BASED EXPENDITURES ON ELEMENTS OF TRANSPORTATION INFRASTRUCTURE.

(a) BRIDGE EXPENDITURES.—

(1) IN GENERAL.—Section 144 of title 23, United States Code, is amended—

(A) by striking subsections (a) and (b) and inserting the following:

''(a) CERTIFICATION BY THE STATE.—Not later than 180 days after the end of each fiscal year beginning with fiscal year 1998, each State shall certify to the Secretary, either that—

''(1) the State has reserved, from funds apportioned to the State for the preceding fiscal year, to carry out bridge projects eligible under section 133(b), an amount that is not less than the amount apportioned to the State under this section for fiscal year 1997; or

''(2) the amount that the State will reserve, from funds apportioned to the State for the period consisting of fiscal years 1998 through 2003, to carry out bridge projects eligible under section 133(b), will be not less than 6 times the amount apportioned to the State under this section for fiscal year 1997.

''(b) SET ASIDES.—

''(1) DISCRETIONARY BRIDGE PROGRAM.—

''(A) IN GENERAL.—On October 1 of each fiscal year beginning with fiscal year 1998, before making any apportionment under paragraph (1) or (3) of section 104(b), the Secretary shall set aside—

''(i) $36,300,000 from the amount available for apportionments under section 104(b)(1); and

''(ii) $24,200,000 from the amount available for apportionments under section 104(b)(3).

''(B) USE OF SET ASIDE.—The amounts set aside under subparagraph (A) shall be available for obligation in the same manner and to the same extent as sums apportioned under section 104(b)(3), except that the amounts shall be obligated at the discretion of the Secretary, in accordance with procedures to be established by the Secretary, for bridge projects eligible under section 133(b).'';

(B) by striking subsections (c) through (f) and (h) through (p);

(C) by redesignating paragraphs (3) and (4) of subsection (g) as paragraphs (2) and (3), respectively, of subsection (b);

(D) by striking subsection (g);

(E) in subsection (q), by striking ''(q) As used in'' and inserting ''(c) DEFINITION OF REHABILITATE.—In''; and

(F) in subsection (b) (as amended by subparagraph (C))—

(i) in paragraph (2), by striking ''apportioned to each State in each of fiscal years 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, and 1997,'' and inserting ''reserved by each State under subsection (a) for each of fiscal years 1998 through 2003''; and

(ii) in paragraph (3)—

(I) in the first sentence, by striking ''apportioned to'' and inserting ''reserved under subsection (a) by''; and

(II) in the second sentence, by striking ''a State bridge apportionment and before transferring funds to the States,'' and inserting ''the amount to be reserved under subsection (a) for a fiscal year by a State described in the preceding sentence,''.

(2) CONFORMING AMENDMENTS.—

(A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence—

(I) by striking ''apportioned'' and inserting ''reserved'';

(II) by striking ''to each State in accordance with'' and inserting ''by each State for the purposes of''; and

(III) by striking ''apportionment'' each place it appears and inserting ''amount reserved'';

(ii) in the second sentence, by striking ''apportionment'' each place it appears and inserting ''amount reserved''; and

(iii) in the third sentence, by striking ''State's apportionment'' and inserting ''amount reserved by the State''.

(B) Section 115(c) of title 23, United States Code, is amended by striking ''144,,''.

(C) Section 120(e) of title 23, United States Code, is amended in the last sentence by striking ''and in section 144 of this title''.

(D) Section 140(b) of title 23, United States Code, is amended in the last sentence by striking ''and the bridge program under section 144''.

(E) Section 151(d) of title 23, United States Code, is amended by striking ''section 104(a), section 307(a), and section 144 of this title'' and inserting ''sections 104(a) and 307(a)''.

(F) Section 307(c)(1) of title 23, United States Code, is amended by striking ''sections 104 and 144 of this title'' and inserting ''section 104''.

(b) SAFETY PROGRAMS.—

(1) SURFACE TRANSPORTATION PROGRAM.—Section 133(d) of title 23, United States Code, is amended by striking paragraph (1) and inserting the following:

''(1) SAFETY PROGRAMS.—

''(A) REQUIRED SET-ASIDE.—With respect to funds apportioned for each of fiscal years 1998 through 2003—

''(i) an amount equal to 2.5 percent of the amount apportioned to a State under section 104(b)(3) for fiscal year 1997 shall be available only to carry out activities eligible under section 130;

''(ii) an amount equal to the amount described in clause (i) shall be available only to carry out activities eligible under section 152; and

''(iii) an amount equal to 5 percent of the amount apportioned to a State under section 104(b)(3) for fiscal year 1997 shall be available only to carry out activities eligible under section 130 or 152.

''(B) WAIVER.—For a fiscal year, the Secretary shall waive the set-aside required under clause (i) or (ii) of subparagraph (A), and permit the amount of the set-aside to be used in accordance with subparagraph (A)(iii), upon receipt of a certification by the State that the amount that will be made available for the purpose of the waived set-aside for that fiscal year, when combined with the amount made available for that purpose for the preceding fiscal year, or the amount to be made available for that purpose for the following fiscal year, will average, per fiscal year, not less than 2.5 percent of the amount apportioned to the State under section 104(b)(3) for fiscal year 1997.''.

(2) PROGRAM IMPROVEMENTS.—Title 23, United States Code, is amended—

(A) in section 130—

(i) in subsection (e), by striking the first sentence and inserting the following: ''Funds authorized for or expended under this section may be used for the installation of protective devices at railway-highway crossings.''; and

(ii) in subsection (f), by striking ''APPORTIONMENT'' and all that follows through the first sentence and inserting ''FEDERAL SHARE.—''; and

(B) in section 152—

(i) in subsection (c), by striking ''(other than a highway on the Interstate System)''; and

(ii) in subsection (e), by striking the first sentence.

(c) TRANSPORTATION ENHANCEMENT ACTIVITIES.—Section 133(d) of title 23, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) TRANSPORTATION ENHANCEMENT ACTIVITIES.—With respect to funds apportioned for each of fiscal years 1998 through 2003, an amount equal to 5 percent of the amount apportioned to a State under section 104(b)(3) shall be available only to carry out transportation enhancement activities.''.

(d) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT ACTIVITIES.—

(1) IN GENERAL.—Section 149 of title 23, United States Code, is amended—

(A) in the section heading, by striking ''**program**'' and inserting ''**activities**'';

(B) by striking subsection (a) and inserting the following:

''(a) USE OF FUNDS.—Funds apportioned to a State under section 104(b)(3)(D) may be used only in accordance with this section.'';

(C) in subsection (b), by striking ''Except'' and all that follows through ''program only'' and inserting ''Funds described in subsection (a) may be used only''; and

(D) in subsection (c), by striking ''section 104(b)(2)'' and inserting ''section 104(b)(3)(D)''.

(2) CONFORMING AMENDMENTS.—

(A) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 149 and inserting the following:

''149. Congestion mitigation and air quality improvement activities.''.

(B) Section 115(a) of title 23, United States Code, is amended—

(i) in the subsection heading, by striking ''CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT,''; and

(ii) in paragraph (1)(A)(i), by striking ''104(b)(2),''.

(C) Section 146(a) of title 23, United States Code, is amended in the first sentence by striking ''104(b)(2),'' and inserting ''104(b)(3)(D),''.

(D) Section 217 of title 23, United States Code, is amended—

(i) in subsection (a)—

(I) in the subsection heading, by striking ''STP AND CONGESTION MITIGATION PROGRAM'' and inserting ''SURFACE TRANSPORTATION PROGRAM''; and

(II) by striking ''sections 104(b)(2) and 104(b)(3) of this title'' and inserting ''section 104(b)(3)''; and

(ii) in subsection (d), by striking ''sections 104(b)(2) and 104(b)(3) of this title'' and inserting ''section 104(b)(3)''.

SEC. 202. NATIONAL HIGHWAY SYSTEM.

(a) DEFINITION OF NATIONAL HIGHWAY SYSTEM.—Section 101(a) of title 23, United States Code, is amended by striking the undesignated paragraph defining ''National Highway System'' and inserting the following:

''The term 'National Highway System' means the Federal-aid highway system established under section 103(b).''.

(b) PROGRAM SPECIFICATIONS.—Section 103 of title 23, United States Code, is amended—

(1) by striking the section designation and heading and inserting the following:

''§ 103. National Highway System''

(2) by striking subsections (g) and (h); and

(3) by redesignating subsection (i) as subsection (c) and moving the subsection to appear after subsection (b).

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 103 and inserting the following:

''103. National Highway System.''.

SEC. 203. INTERSTATE MAINTENANCE ACTIVITIES.

(a) FUNDING OF ACTIVITIES.—Section 119 of title 23, United States Code, is amended—

(1) in the section heading, by striking ''**program**'' and inserting ''**activities**'';

(2) in subsection (a)—

(A) in the first sentence—

(i) by striking ''sections 103 and 139(c) of this title and routes on the Interstate System designated before the date of enactment of this sentence under section 139(a) and (b) of''; and

(ii) by striking ''subsection (e)'' and inserting ''subsection (d)''; and

(B) by striking the second sentence;

(3) by striking subsections (d), (f), and (g); and

(4) by redesignating subsection (e) as subsection (d).

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 119 and inserting the following:

''119. Interstate maintenance activities.''

(2) Sections 134(i)(4) and 135(f)(3) of title 23, United States Code, are amended—

(A) by striking ''and pursuant to the bridge and Interstate maintenance programs'' each place it appears and inserting '', pursuant to the bridge program under section 144, and as Interstate maintenance activities under section 119''; and

(B) by striking ''or pursuant to the bridge and Interstate maintenance programs'' each place it appears and inserting '', pursuant to the bridge program under section 144, or as Interstate maintenance activities under section 119''.

SEC. 204. SURFACE TRANSPORTATION PROGRAM AMENDMENTS.

Section 133 of title 23, United States Code, is amended—

(1) in subsection (b), by adding at the end the following:

''(12) With respect to each area of a State that is a nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.) for ozone or carbon monoxide, or for PM–10 resulting from transportation activities, or for any combination of these substances, also for any congestion mitigation and air quality improvement project or program without regard to any limitation of the Department of Transportation relating to the type of ambient air quality standard addressed by the project or program. For the purpose of this paragraph, an area that has been designated as nonattainment for carbon monoxide under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) shall be considered to be a nonattainment area regardless of whether the area has been 'classified' under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.).

''(13) Placement of funds in a State infrastructure bank approved by the Secretary.'';

(2) in subsection (c), by striking ''unless such roads are on a Federal-aid highway system on January 1, 1991, and'';

(3) in subsection (d)(3)—

(A) by striking subparagraph (A) and inserting the following:

''(A) GENERAL RULE.—

''(i) URBAN AREAS.—Except as provided in subparagraph (C), for each fiscal year, a State shall allocate for use in each area of the State with an urbanized area population of over 200,000 individuals an amount of the funds apportioned under section 104(b)(3) for the fiscal year obtained by multiplying—

''(I)(aa) if funds were allocated for use in the area under the surface transportation program for fiscal year 1997, the amount of such funds required to be allocated for use in the area for that year; or

''(bb) if funds were not allocated for use in the area under the surface transportation program for fiscal year 1997, the amount of such funds that would have been required to be allocated for use in the area for fiscal year 1997 if the area had had an urbanized area population of 200,001 individuals as of October 1, 1996; by

''(II) the amount obtained by dividing—

''(aa) all funds apportioned or allocated to the State for Federal-aid highways and highway safety construction programs for the fiscal year; by

''(bb) all funds apportioned or allocated to the State for Federal-aid highways and highway safety construction programs for fiscal year 1997.

''(ii) OTHER AREAS.—Except as provided in subparagraph (C), for each fiscal year, a State shall allocate for use in each area of the State that is not an area described in clause (i) an amount of the funds apportioned under section 104(b)(3) for the fiscal year obtained by multiplying—

''(I) the amount of funds required to be allocated for use in the area under the surface transportation program for fiscal year 1997; by

''(II) the amount obtained by dividing—

''(aa) all funds apportioned or allocated to the State for Federal-aid highways and highway safety construction programs for the fiscal year; by

''(bb) all funds apportioned or allocated to the State for Federal-aid highways and highway safety construction programs for fiscal year 1997.'';

(B) in subparagraph (B), by striking ''subparagraph (A)(ii)'' and inserting ''this section'';

(C) by striking subparagraph (C) and inserting the following:

''(C) SPECIAL RULE FOR CERTAIN STATES.—Subparagraph (A) shall not apply in the case of a State that is noncontiguous with the continental United States.'';

(D) by striking subparagraph (D);

(E) by redesignating subparagraph (E) as subparagraph (D); and

(F) in subparagraph (D) (as so redesignated)—

(i) by striking ''obligate'' each place it appears and inserting ''allocate'';

(ii) by striking ''(A)(i)'' each place it appears and inserting ''(A)''; and

(iii) by striking ''obligated'' and inserting ''allocated'';

(4) in subsection (e), by striking paragraph (2) and inserting the following:

''(2) CERTIFICATION.—Before the beginning of each fiscal year, the Governor of each State shall certify to the Secretary that the State will meet all the requirements of this section and shall notify the Secretary that the amount of obligations expected to be incurred for surface transportation program projects during the fiscal year is in accordance with the surveys, plans, specifications, and estimates for each proposed project included in the surface transportation program category in the transportation improvement program of the State developed under section 135 for the fiscal year. A State may request an adjustment to an obligation amount referred to in subparagraph (A)(ii) later in the fiscal year. Acceptance by the Secretary of the notification and certification shall be deemed to be a contractual obligation of the United States to pay the Federal share of costs incurred by the State for projects not subject to review by the Secretary under this chapter.''; and

(5) in subsection (f)—

(A) by striking ''6-fiscal year period 1992 through 1997'' and inserting ''6-fiscal-year period 1998 through 2003''; and

(B) by striking ''obligate in'' each place it appears and inserting ''allocate to''.

SEC. 205. CONFORMING AMENDMENTS TO DISCRETIONARY PROGRAMS.

(a) OPERATION LIFESAVER.—Section 104 of title 23, United States Code, is amended by striking subsection (d) and inserting the following:

''(d) OPERATION LIFESAVER.—From administrative funds deducted under subsection (a), the Secretary shall expend $500,000 for each fiscal year to carry out a public information and education program to help prevent and reduce motor vehicle accidents, injuries, and fatalities and to improve driver performance at railway-highway crossings.''.

(b) REPEAL OF SET-ASIDES FOR THE INTERSTATE AND NATIONAL HIGHWAY SYSTEM DISCRETIONARY PROGRAMS.—Section 118 of title 23, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

SEC. 206. COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 205 the following:

''SEC. 206. COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.

''(a) FINDINGS AND PURPOSE.—

''(1) FINDINGS.—Congress finds that public roads owned by States—

''(A) can provide valuable assistance to the Federal Government in ensuring adequate and safe transportation to, in, and across federally owned land and Indian reservations; and

''(B) supplement the efforts of the Federal Government in developing and maintaining roads to serve federally owned land and Indian reservations.

''(2) PURPOSE.—The purpose of this section is to further the Federal interest in State-owned or State-maintained roads that provide transportation to, in, or across federally owned land or Indian reservations by establishing the Cooperative Federal Lands Transportation Program.

''(b) PROGRAM.—There is established the Cooperative Federal Lands Transportation Program (referred to in this section as the 'program'). Funds available for the program may be used for projects, or portions of projects, on State-owned or State-maintained highways that cross, are adjacent to,

or lead to federally owned land or Indian reservations, as determined by the State. Such projects shall be proposed by a State and selected by the Secretary. A project proposed by a State under this section shall be on a highway owned or maintained by the State and may be a highway construction or maintenance project eligible under this title or any project of a type described in section 204(h).

''(c) DISTRIBUTION OF FUNDS FOR PROJECTS.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—The Secretary—

''(i) after consultation with the Administrator of General Services, the Secretary of the Interior, and other agencies as appropriate, shall determine the percentage of the total land in each State that is owned by the Federal Government or that is held by the Federal Government in trust;

''(ii) shall determine the sum of the percentages determined under clause (i) for States with respect to which the percentage is 4.5 or greater; and

''(iii) shall determine for each State included in the determination under clause (ii) the percentage obtained by dividing—

''(I) the percentage for the State determined under clause (i); by

''(II) the sum determined under clause (ii).

''(B) ADJUSTMENT.—The Secretary shall—

''(i) reduce any percentage determined under subparagraph (A)(iii) that is greater than 7.5 percent to 7.5 percent; and

''(ii) redistribute the percentage points equal to any reduction under clause (i) among other States included in the determination under subparagraph (A)(ii) in proportion to the percentages for those States determined under subparagraph (A)(iii).

''(2) AVAILABILITY TO STATES.—Except as provided in paragraph (3), for each fiscal year, the Secretary shall make funds available to carry out eligible projects in a State in an amount equal to the amount obtained by multiplying—

''(A) the percentage for the State, if any, determined under paragraph (1); by

''(B) the funds made available for the program for the fiscal year.

''(3) SELECTION OF PROJECTS.—The Secretary may establish deadlines for States to submit proposed projects for funding under this section, except that in the case of fiscal year 1998 the deadline may not be earlier than January 1, 1998. For each fiscal year, if a State does not have pending, by that deadline, applications for projects with an estimated cost equal to at least 3 times the amount for the State determined under paragraph (2), the Secretary may distribute, to 1 or more other States, at the Secretary's discretion, ⅓ of the amount by which the estimated cost of the State's applications is less than 3 times the amount for the State determined under paragraph (2).

''(d) TRANSFERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, a State and the Secretary may agree to transfer amounts made available to a State under this section for use in carrying out projects on any Federal lands highway that is located in the State.

''(2) SPECIAL RULE.—This paragraph applies to a State that contains a national park that was visited by more than 2,500,000 people in 1996 and comprises more than 3,000 square miles of land area, including surface water, that is located in the State. For such a State, 50 percent of the amount that would otherwise be made available to the State for each fiscal year under the program shall be made available only for eligible highway uses in the national park and within the borders of the State. For the purpose of making allocations under section 202(c), the Secretary may not take into account the past or future availability, for use on park roads and parkways in a national park, of funds made available for use in a national park by this paragraph.''.

(b) DEFINITION OF FEDERAL LANDS HIGHWAY INVESTMENT.—Section 101(a) of title 23, United States Code, is amended—

(1) by adding at the end the following:

''The term 'Federal lands highway investment' means funds authorized for the Federal lands highways program or the Cooperative Federal Lands Transportation Program under chapter 2.''; and

(2) by reordering the undesignated paragraphs so that they are in alphabetical order.

(c) CONFORMING AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by inserting after the item relating to section 205 the following:

''206. Cooperative Federal Lands Transportation Program.''.

TITLE III—REDUCTION OF REGULATION

SEC. 301. PERIODIC REVIEW OF AGENCY RULES.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a periodic review of all significant rules issued by the Department of Transportation and shall determine which of the rules should be amended, rescinded, or continued without change, based on a consideration of—

(1) the continued need for each rule; and

(2) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules.

(b) PLAN.—Not later than 60 days after the date of enactment of this Act, the Secretary shall develop and publish in the Federal Register a plan for the periodic review of all significant rules issued by the Department of Transportation.

SEC. 302. PLANNING AND PROGRAMMING.

Section 135 of title 23, United States Code, is amended by adding at the end the following:

''(i) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and programs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the plans and programs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and programs described in this section have not been reviewed under that Act as of January 1, 1997, any decision by the Secretary concerning a plan or program described in this section shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).''.

SEC. 303. METRIC CONVERSION AT STATE OPTION.

Section 205(c)(2) of the National Highway System Designation Act of 1995 (23 U.S.C. 109 note; 109 Stat. 577) is amended by striking ''Before September 30, 2000, the'' and inserting ''The''.

TITLE IV—EFFECTIVE DATE; TRANSITION RULES.

SEC. 401. EFFECTIVE DATE; TRANSITION RULES.

(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) FUNDS.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall apply only to funds authorized to be appropriated or made available after September 30, 1997.

(c) UNOBLIGATED BALANCES.—Section 118 of title 23, United States Code (as amended by section 205(b)), is amended by adding at the end the following:

''(f) UNOBLIGATED BALANCES AS OF OCTOBER 1, 1997.—

''(1) IN GENERAL.—Except as otherwise provided by law, unobligated balances of funds apportioned or allocated to a State before October 1, 1997, under this title, the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240), or other law concerning Federal-aid highways, shall be available for obligation in the State under the law (including regulations, policies, and procedures) relating to the obligation and expenditure of the funds in effect on September 30, 1997.

''(2) TRANSFERABILITY.—

''(A) INTERSTATE CONSTRUCTION AND INTERSTATE MAINTENANCE PROGRAMS.—A State may transfer unobligated balances of funds apportioned to the State before October 1, 1997, for the Interstate construction program under section 104(b)(5)(A) (as in effect on the day before the date of enactment of this subsection) or the Interstate maintenance program under section 104(b)(5)(B) (as in effect on the day before the date of enactment of this subsection), to the apportionment of the State under section 104(b)(1).

''(B) BRIDGE REPLACEMENT AND REHABILITATION PROGRAM.—A State may transfer unobligated balances of funds apportioned to the State before October 1, 1997, for the bridge replacement and rehabilitation program under section 144 (as in effect on the day before the date of enactment of this subsection) to the apportionment of the State under paragraph (1) or (3) of section 104(b) (or both).

''(C) SURFACE TRANSPORTATION PROGRAM.—A State may transfer unobligated balances of funds apportioned to the State before October 1, 1997, for the surface transportation program under section 104(b)(3) (as in effect on the day before the date of enactment of this subsection) to the apportionment of the State under section 104(b)(3).

''(D) OTHER PROGRAMS.—A State may transfer unobligated balances of funds apportioned or allocated to the State before October 1, 1997, under sections 157 and 160 (as in effect on the day before the date of enactment of this subsection), and sections 1013(c) and 1015(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) (as in effect on the day before the date of enactment of this subsection), to the apportionment of the State under section 104(b)(3).

''(E) APPLICABILITY OF CERTAIN LAWS.—Funds transferred under this paragraph shall be subject to the laws (including regulations, policies, and procedures) relating to the apportionment to which the funds are transferred as the laws are in effect after the date of enactment of this subsection, except that a transfer of funds permitted under this paragraph shall not extend the time period within which the transferred funds either must be obligated or lapse.

''(F) EFFECT ON CERTAIN DETERMINATIONS.—A decision by a State to transfer funds under this paragraph shall have no effect on any determination of the apportionments or obligation authority of the State.''.

SUMMARY OF KEY PROVISIONS OF STARS 2000

STARS 2000 is a six-year transportation reauthorization proposal.

FUNDING LEVELS

The Department of Transportation estimates that the Highway Account of the Highway Trust Fund could sustain annual funding levels of $27 billion into the next century. This figure includes annual revenue, interest accumulated from unobligated balances, and the gradual spend-down of unobligated balances.

STARS 2000 funding levels are approximately $27 billion annually.

The breakdown is as follows:

National Highway System—$14.163 billion
Surface Transportation Program—$9.442 billion
Equity programs—approximately $2.8 billion
Federal lands programs
1. Indian reservation roads—$191 million
2. Public lands highways—$172 million
3. Parks and Parkways—$84 million
Cooperative Federal Lands Transportation Program (new)—$155 million
Territories—$35 million
Recreational Trails—$30 million

FUNDING FORMULAS

STARS 2000 funding formulas are based heavily on the extent and use of a State's highway system. Interstate lane miles and vmt, NHS lane miles and vmt, federal-aid lane miles and vmt, square footage of bridges, diesel sales and 4 other formula factors consisting of air quality, federal land ownership, population in relation to lane miles and freeze/thaw cycles.

STARS 2000 also includes a 95% minimum allocation equity account.

STREAMLINED PROGRAM

Under STARS 2000, the federal program is streamlined in order to allow the program to be highly flexible. This enables different States to choose projects that meet their transportation priorities. Projects such as highway reconstruction, safety improvements, transit, bridges, enhancements, CMAQ projects or other eligible investments.

NATIONAL HIGHWAY SYSTEM

Funding for the National Highway System represents sixty percent of the core formula program under STARS 2000. Funds may be used for Interstate maintenance activities, bridge improvements and other uses eligible under today's current NHS program.

SURFACE TRANSPORTATION PROGRAM

Funding for the Surface Transportation Program (STP) represents forty percent of the core formula program under STARS 2000. Under this flexible program, funds may be used for projects eligible under today's Surface Transportation Program and projects eligible under today's Congestion Mitigation and Air Quality (CMAQ) program.

ENHANCEMENTS

STARS 2000 retains the transportation enhancement program. Today, the core of the enhancement program is a 10% set-aside of the $4 billion STP program—$400 million. STARS 2000 requires 5% of the new $9.44 billion STP program be set-aside annually—approximately $480 million. Eligibility under the enhancement program is not changed.

SAFETY PROGRAMS

Current law requires a 10% set-aside of STP funds for railway crossing elimination and hazard elimination programs.

STARS 2000 retains this set-aside (10% of what a State received under the STP category in 1997), but gives States additional flexibility in meeting this requirement. States must spend at least 2.5% of the requirement on railway-highway crossing projects, at least 2.5% of the requirement on hazard elimination projects and the remaining 5% may be used for either program at the discretion of the State.

BRIDGE PROGRAM

STARS 2000 eliminates the bridge program as a separate category. However, STARS 2000 retains the national commitment to bridges repairs by requiring every State to spend at least as much on bridges as it does today, using National Highway System or Surface Transportation Program funds.

The bridge discretionary program is also retained at FY 1997 levels—$60.5 million annually to be funded from the NHS and STP program.

CONGESTION MITIGATION AND AIR QUALITY

STARS 2000 eliminates the CMAQ program as a separate category. However, included in the Surface Transportation Program funding formula is an ''air quality'' factor. States that receive funds under the air quality factor—which are those States that receive CMAQ funds under today's CMAQ formula for their nonattainment areas—would be required to spend such funds in their nonattainment areas for CMAQ eligible projects. This provision translates into a $380 million air quality program.

RECREATIONAL TRAILS

STARS 2000 proposes a $30 million annual funding level for the National Recreational Trails program. Funds are to be used for both motorized and nonmotorized trails, consistent with current law. The matching requirement has been adjusted from today's 50/50 matching ratio to a new 80/20 matching ratio.

FEDERAL LANDS

STARS 2000 retains the current federal lands categories—public lands, Indian reservation roads, parks and parkways. Current funding levels are retained as well.

A new Federal lands category, the Cooperative Federal Lands Transportation Program is also proposed at $155 million annually. These funds are to be used by States to improve State-owned or maintained roads that lead to, are adjacent to or pass through Federal lands or reservations.

REGULATORY REVIEW

The Department of Transportation is required to review all significant rules it has issued. Any rules that are obsolete, overlapping, duplicative or conflict with other Federal rules shall be either amended, rescinded or continued without change after such periodic review.

Mr. THOMAS. Mr. President, I rise this morning to talk about the reauthorization of the Federal highway bill. I am very pleased to join with Senators BAUCUS and KEMPTHORNE in the introduction of the Surface Transportation Authorization and Regulatory Streamlining Act for the Next Century, STARS 2000. I am also pleased that there will be 14 original cosponsors in support of this important legislation.

This is the time for the reauthorization of the Federal highway bill, called ISTEA, that has been in place for the past 6 years and has made a very important contribution to this country and its transportation. It has made some important changes in our surface transportation policies, but as we move into the 21st century, we need to update the law and make it more flexible and more efficient in order to meet the transportation challenges of the new century. I believe STARS 2000, achieves this goal. It will create new rules of the road to help us to build the highways and bridges to the 21st century.

With respect to the gas tax, it is a user fee, of course, that each of us pay as we buy gas wherever we are in this country. American taxpayers have been shortchanged with regard to the benefits they are getting from the gas tax. Not all of the gas taxes have been used for surface transportation. We need to get back to a user-fee system where the taxes paid, in this case by the users of highways, are used then for surface transportation. STARS 2000 addresses this problem by restoring the integrity of the fee system by spending as much out of the highway fee system as it can sustain. We have been spending less than $20 billion annually. STARS 2000 raises the authorization to $27 billion. We believe those dollars ought to go into the highway system.

In addition, it provides a framework for any additional revenues such as the 4.3 cents that currently goes to deficit reduction. Should these user fees be transferred to the highway trust fund, they would be distributed according to the bill's formula. STARS 2000 will help my State and many States maintain a national system.

If you are going to go from Washington to California, you obviously have to go throughout the whole country and therefore it is key to have a Federal system. In my State, a small State in terms of population but large in terms of space, we pay more per capita than any other State, nearly $200 for every person in our State for highway gas taxes, and yet we have deteriorating bridges and roads, as do many States.

In addition, the Federal Government owns 50 percent of Wyoming. One of the principle authors of this bill and my friend, Senator KEMPTHORNE, his State of Idaho has even larger holdings. In Nevada, it is 86 percent federally owned so we have to take Federal lands into account as we talk about a Federal system.

In fact, Yellowstone Park, located in Wyoming, has a backlog of nearly $250 million in road repairs and maintenance that needs to be considered. Unfortunately, we are not meeting these needs. For example, the Clinton administration admits that this country only invests 70 percent of what needs to be invested just to maintain our transportation infrastructure. These shortfalls hurt all taxpayers, of course. The STARS 2000 coalition States are bridge States—people and goods cross these States to other destinations. A set of efficient and well maintained roads are as important to the cities that export goods across the country and around the world as they are to people in our States. These transactions contribute to the Nation's economy and its job creation. STARS 2000 will make a smooth flow of people and goods across the country a reality.

One of the keys to the highway program is that each State knows best what it should be doing with the resources it has, and its priorities are. Clearly, the highways and roads in New York City are quite different than those in Wyoming or Nevada, so we need to have the flexibility for State and local officials to make the decisions there. STARS 2000 does that by significantly increasing the surface transportation program, the STP portion, and puts the decisionmaking authority for how this money is allocated into the hands of state and local people.

Unfortunately, the administration bill, NEXTEA, is advertised as building

a bridge to the 21st century. Unfortunately, it is my belief that in its present form that bridge will collapse. NEXTEA does not restore the integrity of the trust fund, so for the American taxpayer, there is no trust in the trust fund. It does not streamline the program. It does not make the kinds of changes that are needed. It hangs on to what we have done in the past. It also handcuffs local authorities in terms of making decisions. NEXTEA adds regulations. God knows, we need to move away from regulations and allow the highway program to be more efficient.

STARS 2000 emphasizes the Federal component of our program and achieves a fair and equitable method of distribution. Based on a percentage share of the Federal highway program, 37 States do better and 1 tied compared to NEXTEA; 33 States do better than under the current law; 25 States higher, 6 the same compared to STEP 21. In addition, STARS 2000 addresses the donor/donee issue by creating a 95 percent minimum allocation to all States. That means all States will get at least 95 percent of what they put into the highway trust fund.

The STARS 2000 coalition will be a significant factor in the ISTEA reauthorization debate. Without our coalition, without our States, you cannot get there from here—physically or politically. STARS 2000 is more than a marker. It is a coalition of States that are needed to make an interstate map to the 21st century.

Quite often, in my experience in the House, the highway money flows where the votes are. But that really does not work in a transportation program. You have to have one that covers the country and is, indeed, a Federal program. The funding formulas under STARS 2000 are based on the transportation needs of the country.

STARS 2000 maintains the integrity of the original ISTEA. It improves it by a smarter investment of taxpayers' money. It meets our growing infrastructure needs. It increases job and economic growth and increases flexibility and efficiency. We get more bang for the buck.

So we are emphasizing the National Highway System, allowing more decisions to be made closer to home, and I certainly would submit to my fellow Members of the Senate this is a bill that we can all support and will provide a better infrastructure for highway surface transportation.

Mr. President, I appreciate the time. I thank Senators KEMPTHORNE and BAUCUS for their hard work on this legislation and look forward to working with them in the future.

I yield the floor.

Mr. KEMPTHORNE. Mr. President, may I commend my colleague from Wyoming, Senator THOMAS, for giving an excellent view as to the bill that we are submitting to Congress today, the Surface Transportation Authorization and Streamlining Act, or STARS 2000.

I appreciate the fact that Senator THOMAS and Senator BAUCUS of Montana and I will be able to form this partnership, with many more partners in the Senate joining our effort, including the Senator from Kansas, who will be joining us. I also want to recognize that I appreciate Senator JOHN WARNER, who is the chairman of this particular subcommittee dealing with this issue of the national highway bill, for holding a hearing in the State of Idaho, for coming to Idaho so that the western perspective could be made part of the public record. Also, Senator BAUCUS, who came to that hearing in Idaho—I appreciate my neighbor from Montana coming over and making that effort; it was an excellent hearing—and, too, acknowledging Senator CHAFEE, the chairman of the full committee, making that hearing in the West a reality. So, again, it demonstrates that all of us, while we may be coming at this from slightly different views, are working together. That is important and significant.

With STARS 2000, I believe, as Senator THOMAS has pointed out, we are going to restore the integrity of what a trust fund is: a trust fund. So the money that is gathered for that dedicated purpose ought to be used for that dedicated purpose. Doesn't that sound amazing that we would have to even say that? But it is not happening. Currently we only authorize about $18 billion that are to be used on the national highway program. The full amount that could be used, the maximum, is $27 billion. So this legislation by Senator BAUCUS and Senator THOMAS and myself would authorize the full $27 billion to be used for the highways of this country, because that is why we have been collecting this highway tax.

It provides a fair distribution throughout the United States, and it is going to address the very key issues, such as extent and usage of the highways; the lane miles that are there; the poor air quality in some regions of the country, some of the cities that are having difficulty with poor air quality; the tax-exempt Federal lands, as have been referenced. In the State of Idaho we are 67 percent federally owned. In the State of Texas—I do not believe there is any federally owned land in the State of Texas. So you can see we come at this from different perspectives. Low population density—Idaho is the 13th State, as far as ranking in landmass, yet we rank 41st in population. So you can see there are not a lot of folks. Take the District of Columbia, for example, this city right here around Capitol Hill. It has a little over one-half-million people. The State of Idaho has 1 million people in the entire State, versus one-half-million in just this city.

It also authorizes full funding for the National Recreational Trails Act, $30 million annually, something that had been talked about and was to have occurred years ago. It has not done so. We are going to do right by that.

We also know there is this issue of the donor/donee States. Some States put in their share, and they get more than they put in. Other States put in their share, and they get less back than they put in. We address that head on by increasing the minimum allocation program from 90 percent up to 95 percent. Under STARS 2000 formulas and proposed increased funding levels, it would result in 47 States receiving greater funding than they do under the current ISTEA program. Mr. President, 47 States will actually receive more funds.

Again, as has been pointed out, we really do provide for the streamlining, for greater flexibility, so those programs, such as the Surface Transportation Act—in essence, we double the funds in that account. We double that, and then we say to the States and the local communities: Now, with that additional funding, you make the decisions of where you think your priorities are in your State, rather than people back in Washington, DC, who may never have been to your State determining how it should be spent.

This is the national highway bill that we are talking about. I want to underscore national, because it is to apply to all 50 States. That is how we are going to have good interstate commerce. The administration says they understand the needs of rural America. If they understand the needs of rural America, I question why the administration's proposed reauthorization of the highway bill cuts funding to eight of the most rural States in the country.

What is this question of rural and urban? Let me give an example, if I may, Mr. President. Here is the State of Idaho. I would use as an example highway 95 that runs, in essence, from the Canadian border virtually down to the Nevada border, a little over 500 miles. Again, the State of Idaho, population of 1 million people. Let us take relatively the same distance, and let us go from right here, Washington, DC, and if we drive to Boston, it is 463 miles—about the same distance. So I am making it a good comparison. The difference is, here you have one million people to support systems such as this. In this area, where you actually go through seven States, not one State and the District of Columbia, you have virtually 43 million people as a tax base to support that infrastructure. It just shows you that in the less densely populated areas we do need to have assistance.

Do you know there are trucking firms that enter the State of Idaho at Eastport to go through customs? Then they immediately exit the State of Idaho and they travel the Canadian highways heading toward Seattle, for example, and then reenter the United States. Why do they do that? As one trucking company, Swift Transportation, testified at our hearing out in Idaho, they have 5,000 trucks that run throughout the United States, but they said there are so many significantly unsafe portions of, for example, highway 95, they do not allow their truck

drivers to go on highway 95 because of safety considerations. They said that is the only stretch of highway that they really have that sort of restriction on anywhere in the United States.

Yet this is a national highway bill. It is not the national and Canadian highway bill. So we need to address this, and that is what this does. But it is not parochial. Certainly I am trying to look out for rural America, but I reiterate, this legislation does better for 47 States than under the current program that is in existence today.

So I believe we have something here that is good for the country. It is going to put the faith back into what a trust fund is supposed to be. It is going to give greater flexibility for those of us who believe in States rights, the 10th amendment; that folks in those 50 States can make just as good if not better decisions than we do at the Federal level. So it has so much to offer to so many.

Again, I am proud to be part of this, and I thank Senator THOMAS and Senator BAUCUS for their efforts in this partnership.

Mr. BINGAMAN. Mr. President, I rise to speak briefly about the Surface Transportation Authorization and Regulatory Streamlining Act. As I do, Mr. President, I want to emphasize my belief that the Intermodal Surface Transportation Efficiency Act [ISTEA], has in large part been a great success for our Nation. ISTEA has been a revolutionary effort to distribute transportation funding to assist States in major highway, bridge, environmental, research, and safety projects. After 6 years, however, we have learned that there are areas of ISTEA in which we can make significant improvement. STARS 2000 is the best mechanism so far by which we can do that.

I am cosponsoring STARS 2000 because it reemphasizes the national interest in a national transportation system. Mr. President, each State is a vital part of the national system; without one part the whole system fails. The highway system in New Mexico for instance, serves not just its resident and industrial traffic needs, but its highways also serve as a vital link for commerce between the Pacific coast and the eastern seaboard, and between Mexico and Canada. The system of highways crossing New Mexico is also crucial for the movement of manpower, equipment, and supplies in support of our Nation's defense. STARS 2000 offers a balanced, sensible approach so that all the States continue to play a central role to the overriding national goals.

Just as importantly, STARS 2000 effectively addresses the unique character of western, rural States and their importance to our national system of highway. New Mexico, for example, has only six-tenths of 1 percent of the total U.S. population. However, it must maintain 2 percent, 3,000 miles, of the National Highway System. Many people do not realize that road travel takes on a different meaning in the West. For instance, a trip from Farmington, NM, to Hobbs, NM, is 513 miles, and there are few options other than driving to make that tip. By contrast, that same distance would take you from Washington, DC, to Detroit, MI.

STARTS 2000 also builds on the successes of ISTEA. For instance, the Surface Transportation Program maintains Federal support for the bride replacement and rehabilitation program. STARS 2000 also maintains support for Federal lands roads, a program that is vital to States in the West where a vast majority of our Nation's Federal lands are located. Forty percent of New Mexico, for example, is Federal land. STARS 2000 eliminates the old system that penalizes a State for using Federal funds on roads located on Federal lands and Indian reservations. This is a step in the right direction and it is desperately needed in the West. I am concerned that STARS proposes only level funding for the Indian reservation road program. Although I am supporting S. 437, the American Indian Transportation Improvement Act, I will continue to try to increase funding for roads and bridges on Indian reservations.

STARS 2000 also includes a program that addresses congestion management and air quality. I am concerned, however, with the degree to which resources for this activity have been cut and the fact that it is eliminated as a separate category within STARS. CMAQ has been a significant reason cities like Albuquerque have attained and are maintaining clear air standards, and I hope we will find ways to keep this program working.

Additionally, STARS 2000 addresses the need to maintain our Nation's current system of roads and bridges. Unless the current system is sufficiently maintained, we will inevitably have to spend many more dollars to rebuild the system, something we can ill-afford. In New Mexico, like most other States, maintenance costs overwhelm the State's total highway budget. To its credit, New Mexico applies much of its highway funding to maintenance. Nevertheless, if the entire New Mexico road budget were applied to maintenance alone, only 7,500 of the State's 11,600 miles of highways could be adequately maintained. As many as 5,800 miles of New Mexico's roads have deteriorated to the point that they must be replaced at a cost of $1.15 million per mile. As a result, New Mexico, like most other States in the West, is unable to fund other critical transportation objects.

As we continue to recommit ourselves to maintaining and improving our Nation's transportation system, let me say that it is also incumbent upon the individual States to share in this ever-increasing responsibility. Clearly, there is a strong national transportation interest, but the States must recognize its own obligations. We are doing our part at the Federal level, and States must do the same.

Mr. President, I am proud to cosponsor this bill, and I commend my esteemed colleagues, Senators BAUCUS, KEMPTHORNE, and THOMAS, for working diligently to assemble this legislation. I believe that STARS is a measure that will eventually lead to a better, more efficient transportation system in our country and ultimately a stronger economy.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 533. A bill to exempt persons engaged in the fishing industry from certain Federal antitrust laws; to the Committee on the Judiciary.

THE FISHING INDUSTRY BARGAINING ACT

Mr. MURKOWSKI. Mr. President, on behalf of Senator STEVENS and myself, I am reintroducing the Fishing Industry Bargaining Act, a bill to allow antitrust immunity for certain cooperative activities involving domestic fishermen and processors.

This bill will allow collective agreement between fishermen and processors. It is patterned after legislation adopted by the Alaska State Legislature, but which requires congressional action to fully take effect.

Under existing law, fishermen are able to form associations for the purpose of collective bargaining with individual processors. This bill will allow them to work with similar associations of processors to establish first-wholesale purchase prices—that is, the prices paid to the processors for fish products, and ex-vessel prices paid to the fishermen.

This is intended to counter the fact that prices currently are all too often set by first-wholesale buyers rather than producers. As a result, processors forced to accept a price set by their buyers are in turn forced to set ex-vessel prices based on the buyers' offer, rather than prices that respond fully to other market forces.

I want to make it clear that this bill in no way would allow processors to associate solely amongst themselves to set either ex-vessel or wholesale prices. That is the kind of activity our current antitrust law is primarily designed to prevent, and this bill will leave that unchanged. Processors would continue to be prohibited from agreeing on prices unless fishermen participated in and were party to any agreement.

What the bill will accomplish is to strengthen the position of the United States seafood industry generally—fishermen and processors together. In this, it would apply to fishermen and fish processors in all parts of the country, not just in Alaska.

We look forward to a hearing which will air the views of the Alaska fishing industry and the fishing industry in other parts of the country, and urge prompt action by this Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fishing Industry Bargaining Act''.

SEC. 2. EXEMPTION FROM FEDERAL ANTITRUST LAWS.

(a) The Act of June 25, 1934 (48 Stat. 1213 and 1214, chapter 742; 15 U.S.C. 521 and 522) is amended—

(1) in section 2, by striking ''If the Secretary'' and inserting ''Subject to section 3, if the Secretary''; and

(2) by adding at the end the following new section:

''SEC. 3. PRICING.

''(a) IN GENERAL.—For purposes of section 2, a price paid pursuant to a collective agreement entered into under subsection (b) shall not constitute a monopolization or restraint of trade in interstate or foreign commerce.

''(b) COLLECTIVE AGREEMENT.—Persons described in the first undesignated paragraph of section 1, acting through one or more associations described in that section, may enter into a collective agreement with fish processors, including fish processors acting though an association of fish processors, that establishes—

''(1) the price to be paid to those persons by fish processors for an aquatic product; and

''(2) the minimum price that a fish processor may accept for the sale of an aquatic product.

''(c) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—Nothing in this section is intended to permit fish processors to collectively agree with other fish processors on a price referred to in subsection (b)(1) without entering into an agreement under subsection (b).

''(2) FEDERAL ANTITRUST LAWS.—The establishment and implementation of a collective agreement under subsection (b) shall not be construed to be a violation of any of the Federal antitrust laws, including—

''(A) the Act of July 2, 1890, commonly known as the 'Sherman Act' (26 Stat. 209 et seq., chapter 647; 15 U.S.C. 1 et seq.);

''(B) the Act of October 15, 1914, commonly known as the 'Clayton Act' (38 Stat. 730 et seq., chapter 323; 25 U.S.C. 12 et seq.);

''(C) the Federal Trade Commission Act (15 U.S.C. 41 et seq.); and

''(D) the Act of June 19, 1936, commonly known as the 'Robinson-Patman Antidiscrimination Act' (49 Stat. 1526 et seq., chapter 592; 15 U.S.C. 13, 13a, 13b, 13c, and 21a).''.

By Mr. DODD:

S. 534. A bill to amend chapter 44 of title 18, United States Code, to improve the safety of handguns; to the Committee on the Judiciary.

HANDGUN SAFETY ACT OF 1997

Mr. DODD. Mr. President, I rise to speak on the need for increased attention to gun safety. Increasingly, children are gaining access to loaded and unlocked guns with fatal consequences. Recently, an 8-year-old girl in Bridgeport, CT, took a gun that was left behind a couch and shot and killed her 10-year-old sister.

These tragedies happen far too frequently. A report from the Centers for Disease Control and Prevention notes that nearly 1.2 million latch-key children have access to loaded and unlocked firearms each day. Children cause over 10,000 unintentional shootings each year in which 800 people die.

This violence is not limited to the home. The Connecticut Department of Health recently completed a survey of 12,000 Connecticut teenagers called the Voice of Connecticut Youth. More than one-third of boys in 9th and 11th grades said they either had a gun or could get one in less than a day. When you consider intentional and unintentional shootings, 16 children are killed with firearms every day in this country.

We must put an end to the tragedy of gun violence. We need to take steps to ensure that gun owners are storing their guns safely—unloaded, locked, and out of the reach of children. That is why I am cosponsoring Senator KOHL's legislation, S. 428, which requires licensed manufacturers, importers, and dealers to sell handguns with a child safety or locking device. The bill also requires a warning that the improper locking or storage of a handgun may result in civil or criminal penalties.

Today I am also introducing a separate measure that would simply add another section to Senator KOHL's bill. The section would authorize the National Institute of Justice to conduct a study on possible standards for gun locks. As we move to have greater use of gun locks, we ought to make sure that those locks are high quality.

These small steps forward could save thousands of lives. They will not affect responsible gun owners who are already doing the right thing, but they will remind careless gun owners of the need for increased safety.

My home State of Connecticut is out in front on this issue. One of our State laws requires locks on handguns, another State law requires that guns be stored away from children. But one State can only do so much. A gun bought outside our State can become an instrument of tragedy within our State. And we also need to make kids across the Nation safer. In many ways, this issue is simple—if we require safety caps on medicine to protect kids, we should clearly require safety locks on guns.

I urge my colleagues to join with me and Senator KOHL in support of these gun safety measures.

Mr. President, I ask unanimous consent that a copy of my bill, the Handgun Safety Act of 1997, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Handgun Safety Act of 1997''.

SEC. 2. HANDGUN SAFETY.

(a) DEFINITION OF LOCKING DEVICE.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(34) The term 'locking device' means—

''(A) a device that, if installed on a firearm and secured by means of a key or a mechanically-, electronically-, or electromechanically-operated combination lock, prevents the firearm from being discharged without first deactivating or removing the device by means of a key or mechanically-, electronically-, or electromechanically-operated combination lock; or

''(B) a locking mechanism incorporated into the design of a firearm that prevents discharge of the firearm by any person who does not have access to the key or other device designed to unlock the mechanism and thereby allow discharge of the firearm.''.

(b) UNLAWFUL ACTS.—Section 922 of title 18, United States Code, is amended by inserting after subsection (x) the following:

''(y) LOCKING DEVICES AND WARNINGS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), beginning 90 days after the date of enactment of the Handgun Safety Act of 1997, it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun—

''(A) to any person other than a licensed manufacturer, licensed importer, or licensed dealer, unless the transferee is provided with a locking device for that handgun; or

''(B) to any person, unless the handgun is accompanied by the following warning, which shall appear in conspicuous and legible type in capital letters, and which shall be printed on a label affixed to the gun and on a separate sheet of paper included within the packaging enclosing the handgun:

'''THE USE OF A LOCKING DEVICE OR SAFETY LOCK IS ONLY ONE ASPECT OF RESPONSIBLE FIREARM STORAGE. FIREARMS SHOULD BE STORED UNLOADED AND LOCKED IN A LOCATION THAT IS BOTH SEPARATE FROM THEIR AMMUNITION AND INACCESSIBLE TO CHILDREN.

'FAILURE TO PROPERLY LOCK AND STORE YOUR FIREARM MAY RESULT IN CIVIL OR CRIMINAL LIABILITY UNDER STATE LAW. IN ADDITION, FEDERAL LAW PROHIBITS THE POSSESSION OF A HANDGUN BY A MINOR IN MOST CIRCUMSTANCES.'

''(2) EXCEPTIONS.—Paragraph (1) does not apply to—

''(A) the—

''(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a handgun; or

''(iii) the transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off-duty); or

''(B) the transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off-duty).''.

(c) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking ''or (f)'' and inserting ''(f), or (p)''; and

(2) by adding at the end the following:

''(p) PENALTIES RELATING TO LOCKING DEVICES AND WARNINGS.—

''(1) IN GENERAL.—

''(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of subparagraph (A) or (B) of section 922(y)(1) by a licensee, the Secretary may, after notice and opportunity for hearing—

''(i) suspend or revoke any license issued to the licensee under this chapter; or

''(ii) subject the licensee to a civil penalty in an amount equal to not more than $10,000.

''(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

''(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.''.

SEC. 3. STUDY ON STANDARDS FOR LOCKING DEVICES.

Not later than 1 year after the date of enactment of this Act, the National Institute of Justice shall—

(1) conduct a study to determine the feasibility of developing minimum quality standards for locking devices (as that term is defined in section 921(a) of title 18, United States Code (as amended by this Act)); and

(2) submit to the Attorney General of the United States and the Secretary of the Treasury a report, which shall include the results of the study under paragraph (1) and any recommendations for legislative or regulatory action.

By Mr. MCCAIN (for himself, Mr. WELLSTONE, Mr. GLENN, Mr. COCHRAN, Mr. BURNS, Mr. MOYNIHAN, Mr. HARKIN, Mr. DODD, Mr. LEAHY, Mr. BOND, Mr. BINGAMAN, Mr. CAMPBELL, Mr. MACK, Mr. TORRICELLI, Mr. GRASSLEY, Mr. INOUYE, Mr. HOLLINGS, Mr. ROBB, Mr. DURBIN, Mrs. BOXER, Mr. BRYAN, Mr. DASCHLE, Mr. FORD, Mr. D'AMATO, Mr. REID, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. FAIRCLOTH, Mr. LEVIN, Ms. COLLINS, Mr. KERRY, Mrs. MURRAY, Mr. REED, Mr. KENNEDY, Mr. SANTORUM, Mrs. FEINSTEIN, and Mr. ROCKEFELLER):

S. 535. A bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson's disease; to the Committee on Labor and Human Resources.

THE MORRIS K. UDALL PARKINSON'S RESEARCH AND EDUCATION ACT OF 1997

Mr. MCCAIN. Mr. President, today, I proudly reintroduce the Morris K. Udall Parkinson's Research and Education Act of 1997. This legislation addresses the importance of Parkinson's research by authorizing $1 million for Parkinson's research.

Approximately 1 million people in this country are afflicted with Parkinson's disease. Parkinson's disease is a debilitating, degenerative disease which is caused when nerve centers in an individual's brain lose their ability to regulate body movements. People afflicted by this disease experience tremors, loss of balance and repeated falls, loss of memory, confusion, and depression. Ultimately, this disease results in total incapacity for an individual including the inability to speak. This disease knows no boundaries, does not discriminate, and strikes without warning.

This important piece of legislation honors Mo Udall, a dear friend of mine who served as a dedicated Congressman from Arizona for 30 years. Mo is remembered most for his warmth, compassion, integrity, and his wit. He was a champion of civil rights, political reform, and a protector of the environment. In 1980, Congressman Mo Udall was diagnosed with Parkinson's disease and he began his valiant battle against this disastrous disease. Mo was forced to resign from Congress in 1991, his exemplary career prematurely ended by Parkinson's.

I was fortunate enough to have not only worked with Mo Udall as a Representative from Arizona, but to have Mo as a mentor and a close, personal friend. Mo's stewardship and integrity would not allow him to become involved in partisan politics. When I arrived in Washington, DC, as a freshman Congressman from Arizona, Mo reached across the aisle, took me under his wing and provided me with guidance, leadership, humor, and, most importantly, friendship. I can never begin to adequately thank Mo for all that he provided me and his profound impact on my early years as a Member of Congress. In some way, I hope that my efforts on his behalf and the millions of others with Parkinson's can be a token of appreciation for all that Mo has given me and our country.

Personally, I have witnessed the devastating effects and personal tolls which Parkinson's disease has on its victims, as I have watched this horrible disease wreck havoc on my dear friend, Mo. I have watched Mo, his family, and friends wage a daily battle against this painful disease. Every day, Mo and millions like him throughout the country face a disease which is physically crippling and financially devastating. I can truly empathize with the fear and frustration that Mo and others like him must be feeling as they become prisoners within their own bodies, clinging to the hope that a scientific breakthrough may soon be discovered and they will be liberated from their personal prison.

The Morris K. Udall Parkinson's Research and Education Act provides the hope Mo and millions like him are looking for. This bill will help us make significant scientific progress by increasing the Federal Government's financial investment in Parkinson's research for fiscal year 1998 by authorizing $1 million.

An important component of this legislation will be the establishment of up to 10 Morris K. Udall Centers for Research on Parkinson's Disease throughout the Nation. These centers will be responsible for conducting basic and clinical research in addition to delivering care to Parkinson's patients. Uniting these three areas will assure that research developments will be coordinated and the care delivered to patients will be effective, high quality services based upon the most recent research developments. The Morris K. Udall Centers will be structural in a manner which allows them to become a source for developing teaching programs for health care professionals and disseminating information for public use.

In addition, this bill will create a national Parkinson's Disease Information Clearinghouse to gather and store pertinent data on Parkinson's patients and their families. This collected data will facilitate and enhance knowledge and understanding of Parkinson's disease.

This bill will establish a Morris K. Udall Excellence Award to recognize publicly the investigators with a proven record of excellence and innovation in Parkinson's research and whose work has demonstrated significant potential for the diagnosis or treatment of the disease.

I am heartened by the tremendous progress scientists are making in Parkinson's research. There is significant scientific evidence indicating that there is very strong potential for major breakthroughs in the cause and treatment of Parkinson's in this decade. According to a wide array of experts, we are on the verge of substantial, groundbreaking scientific discoveries regarding the cause and potential cure of Parkinson's disease. We need to seize this rare opportunity to discover the cause, treatment, and a potential cure for one of the Nation's most disabling diseases. It is imperative that we give our scientific researchers the necessary funding and support to combat this and other neurological diseases, and to improve the lives of many Americans.

This is why we must enact the Morris K. Udall Parkinson's Research and Education Act of 1997. We can't allow this opportunity to make significant progress in the area of Parkinson's research slip away because of a lack of support for our Nation's scientific researchers.

Finally, I would like to thank the hundreds of individuals who have written or called my office in support of this measure. These individuals are committed to seeing this legislation enacted this year and are hopeful that Parkinson's research will finally receive a fair and justifiable investment from the Federal Government.

I ask unanimous consent that a small sampling of the many letters I have received in support of the Morris K. Udall Parkinson's bill from actual Parkinson's patients, family, and friends of Parkinson's patients, advocate groups, scientists, and physicians be included in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

PHOENIX, AZ, *April 1, 1997.*

HON. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: My friend Richard and I first met in the lobby of St. Joseph's Hospital Barrows Neurological Institute in Phoenix Arizona. I was in my late thirties, he was in his early fifties, we had both been diagnosed with Young-Onset-Parkinsons Disease. We were both afraid.

We became friends as we vowed to fight this disease which was trying to imprison us

in our own bodies. We had just learned about the ''Udall Bill.'' We had just learned that scientists promised a cure within three to five years if they received sufficient funding. The ''Udall bill'' could make that happen. We saw the promise of a miracle.

We talked about it in depth. We knew we had been marked for a slow death and we shared with each other how we feared for our families. I raised my three children as a single parent, and my kids were struggling under the weight that my illness had brought us. Richards' wife had just told him that she couldn't stand living with him as he slowly became a freak to observers and she couldn't stand the strain having to care for him through the pain and slow death. So she left him. He felt it wasn't her fault.

We knew the enemy. The worst thing of this disease was it's slow tortuous progression. We preferred death rather than the years of Hell we were facing. But it was not a choice. With the Udall bill, we might make it. We still had the will to fight. We grasped at hope. We hoped that we could stand the side effects of our medication and hold out until the bill was passed. Once it did, we knew it would take three years for significant improvement in care—but we grasped at the hope. We dedicated the only functioning time we thought we might have left to getting the bill passed.

We wrote letters, we visited our representatives, we put up flyers, we scrimped and saved to mail letters to friends and to travel to other states to tell them about the bill, but Richard's disease progressed very quickly. Within a year he had to have an attendant at home to feed him, bathe him, dress him. Then he had to go to a nursing home. He was barely able to whisper, unable to walk, unable to sit up without being tied to his chair—his head hung over and his eyes reflected his suffering—He was fully aware of what was happening every minute of his torture.

I continued my advocacy efforts, including three trips from Arizona to Washington DC to try to help our Representatives to understand why they should pass the bill. And I would go to the nursing home and report to Richard. Last year we came very close, but we didn't make it. I told Richard and his face and neck were wet with tears as I told him to try to just 'hang in there' one more year. I had told him that the year before. We both cried. We were afraid. We were alone. Richard whispered that he knew he'd never hold his grandchildren, but he'd not go down without knowing we'd ''kick Parkinsons in the ass'' first. Richard died of Parkinsons Disease last month.

I'm 44 years now, I have difficulty walking short distances and my strength struggles for me to sit up. Although my medication's losing effectiveness and side effects don't cease, I'm still here. Still holding on. With your help, I will see the passage of the ''Udall bill for Parkinsons''.

Thank you for doing all that you are, to help us ''kick Parkinsons in the ass''.

MARYHELEN DAVILA.

KINGWOOD, TX, *April 8, 1997.*

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Thank you so much for your support and concern for the Parkinson's disease community. I have suffered with PD for 22 years. My hopes for a cure have been raised and dashed on several occasions. Without adequate funding PD will dash the hopes of millions of American as the baby boomer generation approaches the age when PD typically strikes.

Unless you experience if you can't know how awful this disease is. Day after day it takes away the very fiber of who you are, what you might be and what you might do for society your family and yourself. At the age of 52 I can no longer be counted on to perform even the basic duties of life for myself. Wheelchairs, walkers, hospital beds combined with hundreds of dollars of medicine each month are what I count on for mobility. While my husband and family and our support group have been my heroes through these 22 years, their resources are exhausted. The Udall bill gives us all the hope that we need to combat this lousy disease one day at a time until a cure if found.

Again, thank you for your support for this disease which has been so neglected for so long. In 1817 James Parkinson wrote his paper describing the most prevalent symptoms of this disease. This work 180 years later is still used today to describe in disease. Let 1997 be the year that we change all that. Let it be the year we raise the consciousness of all Americans about the devastation caused by PD and neurological disorders. Let this decade of the brain unravel the mysteries of neurological disorders and let our leaders in Washington pave the way for the cure.

Do it for Mo, and do it for me. Thanks for listening. This letter was typed by my husband Bob.

Original signed by,

NANCY MARTONE.

MANLIUS, NY, *April 1, 1997.*

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Thank you for your support and leadership on behalf of people with Parkinson's Disease.

At the age of forty-nine I was stricken with Parkinson's Disease. I managed to continue working till I retired last year at the age of fifty-six. I was earning about $165,000.00 per year as a trial attorney.

My disability and those with early onset of the disease place a heavy financial burden on the Government and the private sector. I am applying for Social Security Disability plus private disability plans. My medical costs are $18,000.00 plus per year and in two years my medical costs will be another burden on the Social Security trust funds. I estimate that the cost of my illness to society will exceed $1,100,000 if I live to age sixty-seven when I would normally retire.

I also notice on the internet that Parkinson's Disease is striking younger and younger people and that the mean age of diagnosis is now fifty-seven years old. If this trend continues, more people will be receiving Social Security Trust Funds at an early age and fewer people than expected making contributions.

As I attend support group meetings, I see many people drained of energy, strength and who are unable to articulate their plight. Scientists and researchers express the possibility of new medicines and a cure if more research dollars are invested as proposed by the Parkinson's Bill. Let's apply more research funds to keep people with Parkinson's Disease working longer and leading a healthier life.

For those who no longer speak for themselves and myself, I wish to thank you for your support.

Very truly yours,

A. DALE SEVERANCE.

BERKELEY, CA, *March 20, 1997.*

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: I am writing to you regarding the Morris K. Udall Parkinson's Research and Education Bill which is going to be reintroduced in the Senate next month. As you remember the Udall Bill passed the Senate but stalled in the House in 1996. May I take a minute of your time to explain why the Udall Bill is so important to me?

My wife Frances, now 57, was diagnosed with Parkinson's Disease nine years ago. She is a clinical psychologist and Jungian analyst who still manages to work, but most people stricken with Parkinson's are not so lucky. Unfortunately 40% of the newly diagnosed cases are people under 60 years of age—this disease of the elderly is hitting middle aged people with disastrous results. The disease is incurable and progressive forcing doctors, lawyers, professors, business people, teachers and artists to give up productive lives. I have seen the devastation of families and careers first hand among the many Parkinson's patients I have met. And I have also seen unbelievable courage, intelligence and absolute brilliance as people try to find a way to live with the disease.

Without further research there is no hope to cure the disease. The current medications mask the symptoms and that is all. The present national research effort is a joke. There is no unified research agenda and the 30 million dollars allotted to the disease (compared 217 million dollars for Alzheimer's and one and a half billion dollars for AIDS) is not nearly enough. There is terrific research potential but no money. The Udall Parkinson's Research and Education Bill will provide the coordination, the research agenda, and the money. Please help us by cosponsoring the bill, or if you cannot cosponsor it, could you at least vote for it? We desperately need your help!

I would very much like to talk with you about the Bill if you have any questions (510–527–0966 or tobriner@uclink.berkeley.edu).

Thanks so much for your help.

STEPHEN TOBRINER,
Professor of Architectural History,
University of California, Berkeley.

ORINDA, CA, *March 29, 1996.*

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Thank you for agreeing to introduce the Morris K. Udall Parkinson's Research and Education Act to the House. I am grateful for your efforts on behalf of this bill.

My closest friend, Frances Tobriner, was diagnosed with Parkinson's Disease when she was 46 years old. She is now 57 years old and is courageously managing to work as a psychologist. I have learned that this disease is not limited to the elderly. Young, talented people are vulnerable. There is no cure for this disease and those of us who are able bodied bear helpless witness to the progressive deterioration of those we care about.

There are many research possibilities that await funding. I believe that the advances in research will help not only the many victims of Parkinson's disease, but other neurological ailments as well. To date there is no unified research agenda and the relatively small amount of money is not enough. The Udall Parkinson's Research and Education Act will help enormously.

Thank you for your efforts. Know that you have support among constituents.

Sincerely yours,

SUE N. ELKIND, PH.D.

MERRIAM, KS, *April 3, 1997.*

Re Morris K. Udall Parkinson's Research, Assistance, and Education Act of 1997.

Hon. JOHN MCCAIN
U.S. Senate,
Washington, DC

DEAR SENATOR MCCAIN: This is to thank you and Sen. Paul Wellstone for taking the

lead in reintroducing the Udall bill in the 105th Congress, as well as the many other Senators who are already supporting the bill.

A stepped-up effort in research and coordination of that research means added hope for me and my family that a possible cure may be found in time to help me. You see, I was diagnosed with Parkinson's Disease at the age of 44, nearly 13 years ago. It was only two years after my marriage to my wonderful husband, who has stood by me ''in sickness'' much sooner than we ever imagined. I managed to follow through on a long-term project, as President of a Kansas City group which established a 100,000-watt FM community radio station in 1988 after 11 years of effort. I kept up with the station and other community interests and part-time teaching pretty much full force until 1990, but since then I have had to cut back more and more. You can't imagine how grateful I am for access to the internet (my husband's idea) which re-established my ability to connect to the world.

My husband who is a community college teacher of 29 years has had to take on domestic duties I once did. His daughter, 4 when we married, never remembers when I was a normal, active person. And my aging parents help drive me to the doctors, as my right side is too weak most of the time to allow me to push the gas pedal.

This disease CAN go the way of polio, tuberculosis, small pox and others—GONE. Maybe not for me, but surely for the thousands of millions who don't yet know they are at risk for it.

Sincerely,

BARBARA BLAKE-KREBS.

EAST BRUNSWICK, NJ, *March 31, 1997.*

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Thank you for introducing the Morris Udall Bill for Parkinson's Disease Research. I will make a special trip to Washington on April 9, 1997 to be present at your introduction.

In 1946 my grandfather, Benjamin Miller, died of complications from bedsores and infection as a result of Parkinson's Disease. He was forced to live with uncontrollable tremors, locked rigid muscles, loss of all motor function and eventually the total incapacity to care for himself. The last 10 years of his life he was in a totally rigid state and toward the end he could only move his eyes. Contrary to our religious law, my mother agreed to allow his body to be used for research believing that the help it might provide others would more than make up for this breach of tradition. She often said that because of her decision, her father played a part in the development and refinement of L-dopa.

As fate would have it, my brother is now diagnosed with Parkinson's and while his lifestyle is somewhat better than it might have been 50 years ago, his hideous fate is sealed unless the research continues until a definitive cure has been found.

Through your foresight to introduce the Udall Bill in the 105th congress there is great potential for a breakthrough in Parkinson's disease treatment and ultimately the discovery of a cure.

Thank you again.

Sincerely,

MRS. BARBARA SCHIRLOFF.

RUSH-PRESBYTERIAN-ST. LUKE'S MEDICAL CENTER, RUSH UNIVERSITY—DEPARTMENT OF NEUROLOGICAL SCIENCES, CENTER FOR BRAIN REPAIR,
Chicago, IL, April 2, 1997.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: I was very pleased to hear that you have re-introduced the Udall Bill. As a researcher of Parkinson's disease for 25 years, I can assure you that the bill is timely and that the money will be well spent if the bill is passed. I have witnessed the revolution in this field from the early years of levodopa through the discovery of the neurotoxin MPTP, the implantation of adrenal tissue and now pallidotomy and neural grafting. They have been exciting and productive times and quite frankly, it has just plain been fun doing the work and actually seeing it impact the lives of our patients.

Currently, my laboratory is working on the mechanisms responsible for the neuroprotection that appears to be occurring with the drug pramipexole. Although the drug itself appears to offer the PHD patient a new and very effective addition to the antiparkinson arsenal, the more interesting aspect of our research is that the drug appears to be turning on the production of a new trophic molecule that has the potential to reverse the neurodegenerative process. We are currently trying to isolate this protein so that it can be tested. Our lab has also recently discovered important signals that influence the development of DA neurons (which die in PD). We can now take so-called progenitor cells and convert them into DA cells from grafting. If we are successful at doing this in human cells, we would be able to provide the world with adequate tissue for grafting on demand and thereby totally bypass the abortion issue since cells from only one abortion could be expanded in the lab to serve the needs of all transplant centers. Finally, we are also trying to determine in humans the cause for levodopa induced hallucinations. We know nothing about this phenomenon except that it is the number one cause for patients being placed in nursing homes and once PD patients enter a nursing home they generally die there.

As you will hopefully recognize, my laboratory is very vested in the treatment and management of PD. Our approach to this disease is, we feel, novel and appropriate to the current status of knowledge in this field. We are not restricted by ideas. We are restricted by lack of funds. I am not at all reluctant to ask the government for money for research. Having been in this business as long as I have, I have come to recognize that we in science actually spend our research dollars in a frugal and effective manner. We have so little of it we have to make it last and work effectively. I can therefore assure you that this will not be a ''pork'' project but will actually result in the desired and intended effects. I therefore thank you for your efforts to increase funding for my field. Even though I don't necessarily agree with the notion of legislative earmarking for research dollars, PD is a disease where throwing adequate funding at it will have a tremendous impact and likely reduce health care costs dramatically.

If I can ever be of any help to you in your efforts to make this bill a reality or if you simply need background information, please feel free to contact me. Again, thanks for your help.

Sincerely,

PAUL M. CARVEY, PH.D.
(Associate Professor of Neurological Sciences and Pharmacology Director, Neuropharmacology Research Laboratories).

REDWOOD CITY, CA
April 3, 1997.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: I am so grateful that you are sponsoring the Udall Bill. I pray that it will pass. We (I am a member of the Parkinsn (sic) Listserv) have been asked to catalog our symptoms for you, so here goes: I was diagnosed with Parkinson's 6 years ago after progressive weird symptoms which I did not realize were significant, such as loss of ability to wash my hair with my left hand, difficulty shuffling and holding cards when I play bridge, a couple of episodes of feeling like I was walking underwater, it was so hard to move; I was diagnosed immediately when seen by a neurologist and put on medication which gave me strange twisting motions of one of my feet. We lowered the dosage. The dyskinesia went away, but the medicine supposedly has a tapering off of effectiveness. So far, it works. I can once again wash my hair with my left hand thanks to the medicine. My illness is progressing, not too fast, but the changes I've had to make are accumulating: walk one mile instead of three, cut back on activities (dropped out of a bridge group, buy instead of make pies, etc., don't crochet or paint—doesn't seem worth the effort) great difficulty in doing up buttons, loss of strength, tire easily, not able to 'write' legibly, nor be heard by most people when I speak (young people can usually hear me), have difficulty standing up from chairs, usually can't taste or smell, though I can now and then which makes me impatient for THE CURE, knowing that all is apparently not lost, just somehow not available. I am terribly worried about inability to get long term care health insurance. Nobody will take me and I dread the effect on my husband if he has to spend everything to take care of me. I am blessed with a wonderful, caring husband, who never complains about my increasing dependency on him.

Bless you for what you have given your country.

Sincerely,

MRS. ELIZABETH SOUTHWOOD.

THE PARKINSON'S INSTITUTE,
Sunnyvale, CA, April 7, 1997.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC

DEAR SENATOR MCCAIN: Thank you for your unflagging support of the Udall Parkinson's Research bill. I am writing today to explain why this bill is so important to me, to my colleagues in research and clinical care, and to the patients and families who suffer from Parkinson's disease and other movement disorders.

I have been a practicing neurologist for more than 25 years and have specialized in Parkinson's disease care and research for the last 15 years. As a scientist in close touch with the international research community in the field of neurodegenerative diseases, I see tremendous potential in a dozen scientific directions for finding a cure for Parkinson's disease within the next decade. That is not a statement I make lightly, nor is it a statement that can be applied across the board to the diseases of aging. Instead, it is based on a careful assessment of the technologies that are open now and to the new technologies opening daily to the scientists who specialize in movement disorders.

As a physician who sees only patients with Parkinson's disease and related movement disorders—some of which are even more devastating—I realize that every patient I see is

under a kind of death watch. Their disease is inexorably progressive; there is no cure; and even the gold standard of medications available cannot control symptoms indefinitely. I have learned, as all physicians must learn, to achieve a certain detachment from the inevitability that faces my patients, but it remains a constant trial to look at these individuals and know that my armamentarium is so limited. Part of the way to deal with this challenge, both for physician and patient, is to take comfort in the fact that there is enormous hope through the efforts of the researchers in my own laboratory and in similar institutions around the world.

What is needed to take advantage of the new technologies and the enormous pool of talented investigators waiting to use them is to make them available to a much larger number of laboratories; to increase the probability that the critical breakthroughs will occur sooner rather than later. No one laboratory can travel every possible avenue of investigation no matter how impressive their equipment and no matter how many bright young postdoctoral fellows are on staff. Rather, we must seek to multiply the approaches to the puzzling problems that still face us by utilizing the different insights, experience, and research philosophies of a variety of laboratories across the country at academic medical centers, at NIH, and in independent research institutes like our own.

Ultimately, that takes money and that is where we turn to the Congress for help directed specifically to Parkinson's disease. You know, I'm sure, of the discrepancies in research funding per patient between Parkinson's disease and other disorders. The message I want to send to you today is that research dollars for movement disorders will not be thrown into a black hole of hopelessness, but invested in a national program with tremendous hope for the future.

Sincerely,

J. WILLIAM LANGSTON, M.D.,
President.

APDA PARKINSON'S DISEASE INFORMATION & REFERRAL CENTER AT THE UNIVERSITY OF ARIZONA,
TUCSON, AZ, *April 7, 1997.*

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: We are writing to tell you how grateful we are that you have taken on the role of lead republican sponsor in the Senate for the Morris K. Udall bill for Parkinson's Research. There is tremendous support for this bill in Arizona, not only among Parkinson's patients and their family members, but among an ever-widening circle of physicians, scientists and thoughtful members of the general public. It is clear that research holds the key to improved treatments—even a cure—for Parkinson's disease. Only through research will we find a way to reduce the human suffering and economic burden of this terrible illness.

In Arizona we have taken a special interest in the Udall bill, partly because it is our state which Mo Udall served so well, partly because our state's attractiveness as a ''retirement'' state means we have a higher proportion of residents in the age range most at risk for PD, and partly because several of our state's medical institutions—the University of Arizona College of Medicine in Tucson, the Barrow Neurological Institute in Phoenix, and the Mayo clinic in Scottsdale—already oversee extensive Parkinson's research programs.

Members of the Arizona Chapter of the American Parkinson Disease Association (APDA) and the staff of its associated Information & Referral Center at the University of Arizona have worked hard to educate Arizona residents about Parkinson's disease and the promise of Parkinson's research. The recent *Agenda 97* symposium at the University of Arizona brought together Parkinson's researchers, advocates and government officials for a public forum. The outstanding efforts of the APDA committee *Arizona Parkinson's Advocates,* led by Bob Dolezal, have made the Mo Udall bill a popular cause throughout the State.

We applaud your efforts and support you one hundred percent. Thank you again for leading the way to passage of the Udall bill in 1997.

Sincerely,

ERWIN B. MONTGOMERY, JR., MD,
Medical Director, APDA Information & Referral Center at the University of Arizona.
CYNTHIA A. HOLMES, PHD,
Coordinator, APDA Information & Referral Center at the University of Arizona.

PRINCETON, NJ, *March 31, 1997.*

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Your dedication to bring about the reintroduction of the Morris K. Udall Parkinson's Disease Research and Education Act is most appreciated. The bitter sweet partial victory at the end of the 104th Congressional session was difficult to accept.

To Americans suffering from this hideous disease, the issue is so clearly defined: there are 1 to 1.5 million people struck with a disease that costs the government 6 billion dollars annually to maintain status quo; whereas an annual investment of 100 million dollars for research would yield a net savings of $124,500,000,000 in five years based on the forecast of eminent scientists who predict major advances in the treatment of or even a possible cure for Parkinson's disease.

It is with this great anticipation that I face my 17th year living with the disease. During the last number of years, managing my daily minimal activities have become more and more difficult. Since I am only 55 years old, I still have a window of opportunity to re-enter the world of participation rather than inaction. Currently my life revolves around frantically attempting to accomplish somethings during the infrequent and much too short periods of time that my medication kicks in.

I must believe that with your leadership and guidance the Udall bill will make its perileous journey through the Halls of Congress and will gain enough bi-partisan support for passage and thus insure more adequate research and development funding. For those 50,000 People with Parkinson's who received their diagnosis during this past 12 months and for my own salvation, I join you and your staff in an all-out effort to guarantee the passage of the new Udall bill.

Sincerely,

MARGARET TUCHMAN.

By Mr. GRASSLEY (for himself, Mr. DEWINE, Mr. DASCHLE, Mr. BIDEN, Mr. D'AMATO, Mr. SHELBY, Mr. KOHL, Mr. GRAHAM, Mr. CLELAND, Mr. HATCH, Mr. HARKIN, Mr. THURMOND, Mr. STEVENS, Mr. DURBIN, Mr. HUTCHINSON, Mr. ABRAHAM, Mr. REID, Mr. FEINGOLD, and Mrs. MURRAY):

S. 536. A bill to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes; to the Committee on the Judiciary.

THE DRUG-FREE COMMUNITIES ACT OF 1997

Mr. GRASSLEY. Mr. President, as you know the issue of drug use by our children is very important to me. I believe that we must do whatever we can to protect our children from the harmful effects of illegal drugs. The survey by the Partnership for a Drug-Free America recently released showed that children continue to cite their parents as a reliable source of information about the dangers of drugs. This confirms a 1996 study by the Center on Addiction and Substance Abuse which showed that the extent parents shouldered responsibility for their kids resisting drugs was a key indicator of whether or not their child experimented with drugs. Not Presidents, not Federal officials, not television, but parents and others who play an integral role in a child's life make the difference.

Today, in conjunction with 13 of my fellow Senators, we are introducing the Drug Free Communities Act of 1997. This act will take funds currently being spent for less productive areas of the Federal drug control budget and route them to community coalitions with proven track records. Seeking to make the most efficient use of taxpayer dollars, Federal grants will match funding efforts from the private sector and the local community.

It will put resources in the hands of those who make a difference; of the people that our children say their opinions they respect. It puts the resources at the community level, where parents, teachers, coaches, and community leaders can use these resources to educate our children about the evils of drug use.

There are four key features to this legislation, features that make it different from existing funding opportunities. First, communities must take the initiative. In order to receive support, a community coalition must demonstrate that there is a long-term commitment to address teen-drug use by having a sustainable coalition that includes the involvement of representatives from a wide variety of community activists.

In addition, every coalition must show that it will be around for a while. Community coalitions must be in existence for at least 6 months prior to applying for funds provided for in this bill, and they are only eligible to receive support if they can match these donations dollar for dollar with non-Federal funding, up to $100,000 per coalition.

The third key feature of this legislation is an assurance that the funds for this bill will come from existing legislation. We plan on working closely

with the members of the Appropriations Committee to find appropriate off-sets within the current $16 billion Federal drug control budget.

An advisory commission, consisting of local community leaders, and State and National experts in the field of substance abuse, will oversee the implementation of the program at the Office of National Drug Control Policy. They will insure the funds are directed to communities and programs that make a difference in the lives of our children.

At other times I've talked about the statistics—how drug use is up again this year among teens, and how emergency room admissions are rising after years of decline, and other depressing statistics. But the bill we introduce today is in support of organizations that are on the front lines, making a difference in the lives of our children. I urge my fellow members to join my colleagues and me in supporting this legislation for our children.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Drug-Free Communities Act of 1997''.

SEC. 2. NATIONAL DRUG CONTROL PROGRAM.

(a) IN GENERAL.—The National Narcotics Leadership Act of 1988 (21 U.S.C. 1501 et seq.) is amended—

(1) by inserting between sections 1001 and 1002 the following:

''**CHAPTER 1—OFFICE OF NATIONAL DRUG CONTROL POLICY**'';

and

(2) by adding at the end the following:

''CHAPTER 2—DRUG-FREE COMMUNITIES

''SEC. 1021. FINDINGS.

''Congress finds the following:

''(1) Substance abuse among youth has more than doubled in the 5-year period preceding 1996, with substantial increases in the use of marijuana, inhalants, cocaine, methamphetamine, LSD, and heroin.

''(2) The most dramatic increases in substance abuse has occurred among 13- and 14-year-olds.

''(3) Casual or periodic substance abuse by youth of 1997 will contribute to hard core or chronic substance abuse by the next generation of adults.

''(4) Substance abuse is at the core of other problems, such as rising violent teenage and violent gang crime, increasing health care costs, HIV infections, teenage pregnancy, high school dropouts, and lower economic productivity.

''(5) Increases in substance abuse among youth are due in large part to an erosion of understanding by youth of the high risks associated with substance abuse, and to the softening of peer norms against use.

''(6)(A) Substance abuse is a preventable behavior and a treatable disease; and

''(B)(i) during the 13-year period beginning with 1979, monthly use of illegal drugs among youth 12 to 17 years of age declined by over 70 percent; and

''(ii) data suggests that if parents would simply talk to their children regularly about the dangers of substance abuse, use among youth could be expected to decline by as much as 30 percent.

''(7) Community anti-drug coalitions throughout the United States are successfully developing and implementing comprehensive, long-term strategies to reduce substance abuse among youth on a sustained basis.

''(8) Intergovernmental cooperation and coordination through national, State, and local or tribal leadership and partnerships are critical to facilitate the reduction of substance abuse among youth in communities throughout the United States.

''SEC. 1022. PURPOSES.

''The purposes of this chapter are—

''(1) to reduce substance abuse among youth in communities throughout the United States, and over time, to reduce substance abuse among adults;

''(2) to strengthen collaboration among communities, the Federal Government, and State, local, and tribal governments;

''(3) to enhance intergovernmental cooperation and coordination on the issue of substance abuse among youth;

''(4) to serve as a catalyst for increased citizen participation and greater collaboration among all sectors and organizations of a community that first demonstrates a long-term commitment to reducing substance abuse among youth;

''(5) to rechannel resources from the fiscal year 1998 Federal drug control budget to provide technical assistance, guidance, and financial support to communities that demonstrate a long-term commitment in reducing substance abuse among youth;

''(6) to disseminate to communities timely information regarding the state-of-the-art practices and initiatives that have proven to be effective in reducing substance abuse among youth;

''(7) to enhance, not supplant, local community initiatives for reducing substance abuse among youth; and

''(8) to encourage the creation of and support for community anti-drug coalitions throughout the United States.

''SEC. 1023. DEFINITIONS.

''In this chapter:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator appointed by the Director under section 1031(c).

''(2) ADVISORY COMMISSION.—The term 'Advisory Commission' means the Advisory Commission established under section 1041.

''(3) COMMUNITY.—The term 'community' shall have the meaning provided that term by the Administrator, in consultation with the Advisory Commission.

''(4) DIRECTOR.—The term 'Director' means the Director of the Office of National Drug Control Policy.

''(5) ELIGIBLE COALITION.—The term 'eligible coalition' means a coalition that meets the applicable criteria under section 1032(a).

''(6) GRANT RECIPIENT.—The term 'grant recipient' means the recipient of a grant award under section 1032.

''(7) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

''(8) PROGRAM.—The term 'Program' means the program established under section 1031(a).

''(9) SUBSTANCE ABUSE.—The term 'substance abuse' means—

''(A) the illegal use or abuse of drugs, including substances listed in schedules I through V of section 112 of the Controlled Substances Act (21 U.S.C. 812);

''(B) the abuses of inhalants; and

''(C) the use of alcohol, tobacco, or other related product prohibited by State or local law.

''(10) YOUTH.—The term 'youth' shall have the meaning provided that term by the Administrator, in consultation with the Advisory Commission.

''SEC. 1024. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to the Office of National Drug Control Policy to carry out this chapter—

''(1) $10,000,000 for fiscal year 1998;

''(2) $20,000,000 for fiscal year 1999;

''(3) $30,000,000 for fiscal year 2000;

''(4) $40,000,000 for fiscal year 2001; and

''(5) $43,500,000 for fiscal year 2002.

''(b) ADMINISTRATIVE COSTS.—Not more than the following percentages of the amounts authorized under subsection (a) may be used to pay administrative costs:

''(1) 10 percent for fiscal year 1998.

''(2) 6 percent for fiscal year 1999.

''(3) 4 percent for fiscal year 2000.

''(4) 3 percent for fiscal year 2001.

''(5) 3 percent for fiscal year 2002.

''Subchapter I—Drug-Free Communities Support Program

''SEC. 1031. ESTABLISHMENT OF DRUG-FREE COMMUNITIES SUPPORT PROGRAM.

''(a) ESTABLISHMENT.—The Director shall establish a program to support communities in the development and implementation of comprehensive, long-term plans and programs to prevent and treat substance abuse among youth.

''(b) PROGRAM.—In carrying out the Program, the Director shall—

''(1) make and track grants to grant recipients;

''(2) provide for technical assistance and training, data collection, and dissemination of information on state-of-the-art practices that the Administrator determines to be effective in reducing substance abuse; and

''(3) provide for the general administration of the Program.

''(c) ADMINISTRATION.—Not later than 30 days after receiving recommendations from the Advisory Commission under section 1042(a)(1), the Director shall appoint an Administrator to carry out the Program.

''SEC. 1032. PROGRAM AUTHORIZATION.

''(a) GRANT ELIGIBILITY.—To be eligible to receive an initial grant or a renewal grant under this subchapter, a coalition shall meet each of the following criteria:

''(1) APPLICATION.—The coalition shall submit an application to the Administrator in accordance with section 1033(a)(2).

''(2) MAJOR SECTOR INVOLVEMENT.—

''(A) IN GENERAL.—The coalition shall consist of 1 or more representatives of each of the following categories:

''(i) Youth.

''(ii) Parents.

''(iii) Businesses.

''(iv) The media.

''(v) Schools.

''(vi) Organizations serving youth.

''(vii) Law enforcement.

''(viii) Religious organizations.

''(ix) Civic and fraternal groups.

''(x) Health care professionals.

''(xi) State, local, or tribal governmental agencies with expertise in the field of substance abuse (including, if applicable, the State authority with primary authority for substance abuse).

''(xii) Other organizations involved in reducing substance abuse.

''(B) ELECTED OFFICIALS.—If feasible, in addition to representatives from the categories listed in subparagraph (A), the coalition shall have an elected official (or a representative of an elected official) from—

''(i) the Federal Government; and

''(ii) the government of the appropriate State and political subdivision thereof or the governing body or an Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination Act (25 U.S.C. 450b(e))).

''(C) REPRESENTATION.—An individual who is a member of the coalition may serve on the coalition as a representative of not more than 1 category listed under subparagraph (A).

''(3) COMMITMENT.—The coalition shall demonstrate, to the satisfaction of the Administrator—

''(A) that the representatives of the coalition have worked together on substance abuse reduction initiatives for a period of not less than 6 months, acting through entities such as task forces, subcommittees, or community boards; and

''(B) substantial participation from volunteer leaders in the community involved (especially in cooperation with individuals involved with youth such as parents, teachers, coaches, youth workers, and members of the clergy).

''(4) MISSION AND STRATEGIES.—The coalition shall, with respect to the community involved—

''(A) have as its principal mission the reduction of substance abuse in a comprehensive and long-term manner, with a primary focus on youth in the community;

''(B) describe and document the nature and extent of the substance abuse problem in the community;

''(C)(i) provide a description of substance abuse prevention and treatment programs and activities in existence at the time of the grant application; and

''(ii) identify substance abuse programs and service gaps in the community;

''(D) develop a strategic plan to reduce substance abuse among youth in a comprehensive and long-term fashion; and

''(E) work to develop a consensus regarding the priorities of the community to combat substance abuse among youth.

''(5) SUSTAINABILITY.—The coalition shall demonstrate that the coalition is an ongoing concern by demonstrating that the coalition—

''(A) is—

''(i)(I) a nonprofit organization; or

''(II) an entity that the Administrator, in consultation with the Advisory Commission, determines to be appropriate; or

''(ii) part of, or is associated with, an established legal entity;

''(B) receives financial support (including, in the discretion of the Administrator, in-kind contributions) from non-Federal sources; and

''(C) has a strategy to solicit substantial financial support from non-Federal sources to ensure that the coalition and the programs operated by the coalition are self-sustaining.

''(6) ACCOUNTABILITY.—The coalition shall—

''(A) establish a system to measure and report outcomes—

''(i) consistent with common indicators and evaluation protocols established by the Administrator, in consultation with the Advisory Commission; and

''(ii) receives the approval of the Administrator;

''(B) conduct—

''(i) for an initial grant under this subchapter, an initial benchmark survey of drug use among youth (or use local surveys or performance measures available or accessible in the community at the time of the grant application); and

''(ii) biennial surveys (or incorporate local surveys in existence at the time of the evaluation) to measure the progress and effectiveness of the coalition; and

''(C) provide assurances that the entity conducting an evaluation under this paragraph, or from which the coalition receives information, has experience—

''(i) in gathering data related to substance abuse among youth; or

''(ii) in evaluating the effectiveness of community anti-drug coalitions.

''(b) GRANT AMOUNTS.—

''(1) IN GENERAL.—

''(A) GRANTS.—

''(i) IN GENERAL.—Subject to clause (iii), for a fiscal year, the Administrator may grant to an eligible coalition under this paragraph, an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year.

''(ii) RENEWAL GRANTS.—Subject to clause (iii), the Administrator may award a renewal grant to a grant recipient under this subparagraph for each fiscal year following the fiscal year for which an initial grant is awarded, in an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year, during the 4-year period following the period of the initial grant.

''(iii) LIMITATION.—The amount of a grant award under this subparagraph may not exceed $100,000 for a fiscal year.

''(B) COALITION AWARDS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Administrator may, with respect to a community, make a grant to 1 eligible coalition that represents that community.

''(ii) EXCEPTION.—The Administrator may make a grant to more than 1 eligible coalition that represents a community if—

''(I) the population of the community exceeds 2,000,000 individuals;

''(II) the eligible coalitions demonstrate that the coalitions are collaborating with one another; and

''(III) each of the coalitions has independently met the requirements set forth in section 1032(a).

''(2) RURAL COALITION GRANTS.—

''(A) IN GENERAL.—

''(i) IN GENERAL.—In addition to awarding grants under paragraph (1), to stimulate the development of coalitions in sparsely populated and rural areas, the Administrator, in consultation with the Advisory Commission, may award a grant in accordance with this section to a coalition that represents a county with a population that does not exceed 30,000 individuals. In awarding a grant under this paragraph, the Administrator, in consultation with the Advisory Commission, may waive any requirement under subsection (a) if the Administrator, in consultation with the Advisory Commission, considers that waiver to be appropriate.

''(ii) MATCHING REQUIREMENT.—Subject to subparagraph (C), for a fiscal year, the Administrator may grant to an eligible coalition under this paragraph, an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year.

''(B) RENEWAL GRANTS.—The Administrator may award a renewal grant to an eligible coalition that is a grant recipient under this paragraph for each fiscal year following the fiscal year for which an initial grant is awarded, in an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, during the 4-year period following the period of the initial grant.

''(C) LIMITATIONS.—

''(i) AMOUNT.—The amount of a grant award under this paragraph shall not exceed $50,000 for a fiscal year.

''(ii) AWARDS.—With respect to a county referred to in subparagraph (A), the Administrator may award a grant under this section to not more than 1 eligible coalition that represents the county.

''SEC. 1033. INFORMATION COLLECTION AND DISSEMINATION WITH RESPECT TO GRANT RECIPIENTS.

''(a) COALITION INFORMATION.—

''(1) GENERAL AUDITING AUTHORITY.—For the purpose of audit and examination, the Administrator—

''(A) shall have access to any books, documents, papers, and records that are pertinent to any grant or grant renewal request under this chapter; and

''(B) may periodically request information from a grant recipient to ensure that the grant recipient meets the applicable criteria under section 1032(a).

''(2) APPLICATION PROCESS.—The Administrator shall issue regulations regarding, with respect to the grants awarded under section 1032, the application process, grant renewal, and suspension or withholding of renewal grants. Each application under this paragraph shall be in writing and shall be subject to review by the Administrator.

''(3) REPORTING.—The Administrator shall, to the maximum extent practicable and in a manner consistent with applicable law, minimize reporting requirements by a grant recipient and expedite any application for a renewal grant made under this subchapter.

''(b) DATA COLLECTION AND DISSEMINATION.—

''(1) IN GENERAL.—The Administrator may collect data from—

''(A) national substance abuse organizations that work with eligible coalitions, community anti-drug coalitions, departments or agencies of the Federal Government, or State or local governments and the governing bodies of Indian tribes; and

''(B) any other entity or organization that carries out activities that relate to the purposes of the Program.

''(2) ACTIVITIES OF ADMINISTRATOR.—The Administrator may—

''(A) evaluate the utility of specific initiatives relating to the purposes of the Program;

''(B) engage in research and development activities related to the Program; and

''(C) disseminate information described in this subsection to—

''(i) eligible coalitions and other substance abuse organizations; and

''(ii) the general public.

''SEC. 1034. TECHNICAL ASSISTANCE AND TRAINING.

''(a) IN GENERAL.—

''(1) TECHNICAL ASSISTANCE AND AGREEMENTS.—With respect to any grant recipient or other organization, the Administrator may—

''(A) offer technical assistance and training; and

''(B) enter into contracts and cooperative agreements.

''(2) COORDINATION OF PROGRAMS.—The Administrator may facilitate the coordination of programs between a grant recipient and other organizations and entities.

''(b) TRAINING.—The Administrator may provide training to any representative designated by a grant recipient in—

''(1) coalition building;

''(2) task force development;

''(3) mediation and facilitation, direct service, assessment and evaluation; or

''(4) any other activity related to the purposes of the Program.

''Subchapter II—Advisory Commission

''SEC. 1041. ESTABLISHMENT OF ADVISORY COMMISSION.

''(a) ESTABLISHMENT.—There is established a commission to be known as the 'Advisory Commission on Drug-Free Communities'.

''(b) PURPOSE.—The Advisory Commission shall advise, consult with, and make recommendations to the Administrator concerning matters related to the activities carried out under the Program.

''SEC. 1042. DUTIES.

''(a) IN GENERAL.—The Advisory Commission—

''(1) shall, not later than 30 days after its first meeting, make recommendations to the Director regarding the selection of an Administrator;

''(2) may review any grant, contract, or cooperative agreement proposed to be made by the Program;

''(3) may make recommendations to the Administrator regarding the activities of the Program;

''(4) may review any policy or criteria established by the Administrator to carry out the Program;

''(5) may—

''(A) collect, by correspondence or by personal investigation, information concerning initiatives, studies, services, programs, or other activities of coalitions or organizations working in the field of substance abuse in the United States or any other country; and

''(B) with the approval of the Administrator, make the information referred to in subparagraph (A) available through appropriate publications or other methods for the benefit of eligible coalitions and the general public; and

''(6) may appoint subcommittees and convene workshops and conferences.

''(b) RECOMMENDATIONS.—If the Administrator rejects any recommendation of the Advisory Commission under subsection (a)(1), the Administrator shall notify the Advisory Commission and the Director in writing of the reasons for the rejection not later than 15 days after receiving the recommendation.

''(c) CONFLICT OF INTEREST.—A member of the Advisory Commission shall recuse himself or herself from any decision that would constitute a conflict of interest.

''SEC. 1043. MEMBERSHIP.

''(a) IN GENERAL.—The President shall appoint 15 members to the Advisory Commission as follows:

''(1) 6 members shall be appointed from the general public and shall include leaders—

''(A) in fields of youth development, public policy, law, or business; or

''(B) of nonprofit organizations or private foundations that fund substance abuse programs.

''(2) 6 members shall be appointed from the leading representatives of national substance abuse reduction organizations, of which no fewer than 4 members shall have extensive training or experience in drug prevention.

''(3) 3 members shall be appointed from the leading representatives of State substance abuse reduction organizations.

''(b) CHAIRPERSON.—The Advisory Commission shall elect a chairperson or cochairpersons from among its members.

''(c) EX OFFICIO MEMBERS.—The ex officio membership of the Advisory Commission shall consist of any 2 officers or employees of the United States that the Director determines to be necessary for the Advisory Commission to effectively carry out its functions.

''SEC. 1044. COMPENSATION.

''(a) IN GENERAL.—Members of the Advisory Commission who are officers or employees of the United States shall not receive any additional compensation for service on the Advisory Commission. The remaining members of the Advisory Commission shall receive, for each day (including travel time) that they are engaged in the performance of the functions of the Advisory Commission, compensation at rates not to exceed the daily equivalent to the annual rate of basic pay payable for grade GS–10 of the General Schedule.

''(b) TRAVEL EXPENSES.—Each member of the Advisory Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''SEC. 1045. TERMS OF OFFICE.

''(a) IN GENERAL.—Subject to subsection (b), the term of office of a member of the Advisory Commission shall be 3 years, except that, as designated at the time of appointment—

''(1) of the initial members appointed under section 1043(a)(1), 2 shall be appointed for a term of 2 years;

''(2) of the initial members appointed under section 1043(a)(2), 2 shall be appointed for a term of 2 years; and

''(3) of the initial members appointed under section 1043(a)(3), 1 shall be appointed for a term of 1 year.

''(b) VACANCIES.—Any member appointed to fill a vacancy for an unexpired term of a member shall serve for the remainder of the unexpired term. A member of the Advisory Commission may serve after the expiration of such member's term until a successor has been appointed and taken office.

''SEC. 1046. MEETINGS.

''(a) IN GENERAL.—After its initial meeting, the Advisory Commission shall meet at the call of the Chairperson (or Cochairpersons) of the Advisory Commission or a majority of its members or upon the request of the Director or Administrator of the Program for which the Advisory Commission is established.

''(b) QUORUM.—8 members of the Advisory Commission shall constitute a quorum.

''SEC. 1047. STAFF.

''The Advisory Commission may elect an executive secretary to facilitate the conduct of business of the Advisory Commission. The Administrator shall make available to the Advisory Commission such staff, information, and other assistance permitted by law as the Advisory Commission may reasonably require to carry out the functions of the Advisory Commission.

''SEC. 1048. TERMINATION.

''The Advisory Commission shall terminate on the date that is 5 years after the date of the enactment of this chapter.''.

(b) REFERENCES.—Each reference in Federal law to subtitle A of the Anti-Drug Abuse Act of 1988, with the exception of section 1001 of such subtitle, in any provision of law that is in effect on the day before the date of enactment of this Act shall be deemed to be a reference to chapter 1 of the National Narcotics Leadership Act of 1988 (as so designated by this section).

Mr. DEWINE. Mr. President, I am very proud to join the Senator from Iowa in being an original cosponsor of the drug-free communities legislation.

In the last 5 years, substance abuse by America's young people has more than doubled. Even more troubling, it is taking place at younger and younger ages.

We need to turn this around. And this is a challenge that requires the involvement of the whole community—young people, their parents, schools, businesspeople, the media, law enforcement, religious organizations, civic and fraternal groups, as well as professionals in the area of drug abuse treatment.

Community-based antidrug coalitions have proven their worth in the fight against drug abuse. I'm thinking of groups like the Madison County Prevention Assistance Coalition Team—or PACT—in Madison County, OH. PACT was established in a rural area in central Ohio in 1991, and rapidly inspired over 50 local substance abuse prevention initiatives.

What PACT did was mobilize the community. Middle school students acted as mentors and role models for third graders. Teachers in Head Start taught their students about drug abuse prevention. A local church held a father-son retreat.

A research team from Miami University found that Madison County's alcohol-related crime dropped by 50 percent. And students are reporting a decline in the use and availability of alcohol and other drugs.

The key is mobilizing the community. The bill we're introducing today will help tap into this resource—by redirecting Federal funding to community coalitions that have developed comprehensive programs to educate children about the dangers of drugs. A similar bill was introduced in the House by Representatives PORTMAN, HASTERT, RANGEL, and LEVIN.

This bill will channel funds from the fiscal year 1998 drug control budget—in the form of matching grants—to community coalitions with proven track records. It will enhance programs that work, without allocating new funds.

I think this is exactly the type of legislation we need. It's a sensible and cost-effective approach to solving a major problem. And I will join my colleague from Iowa in working for its enactment.

Mr. BIDEN. Mr. President, I am pleased to join in introducing today with Senator GRASSLEY and others the Drug-Free Communities Act of 1997. This legislation will help take an important step forward toward a goal we all share—keeping kids away from drugs and drugs away from kids.

This 5 year, $140 million authorization to fund local antidrug prevention efforts could be an important catalyst to getting local groups together to plan, coordinate, and carry out the wide variety of drug prevention treatment activities we all know are necessary to reverse the rise of drug abuse among our children. By unleashing the talents and energy of local coalitions of local businesses, schools, law enforcement, religious organizations, doctors, and others we can build community-wide and community-based drug prevention efforts.

For all these reasons, I am pleased to offer my support for the concept embodied in this legislation. But, I must offer two important conditions to my support for this bill. First, as potentially valuable as antidrug coalitions can be, I do not believe it would be wise for us to ''rob Peter to pay Paul'' by trying to fund this drug prevention effort by cutting funding for other, worthy drug prevention efforts. It is my

understanding that the other sponsors of this legislation in both the House and the Senate share this view, and I look forward to working with them to find the modest dollars necessary to fund this effort.

Second, it is also my understanding that the sponsors of this legislation are continuing to work with the Drug Director to iron out the bureaucratic details of how this effort will be undertaken at the Federal level. I am confident that none of the sponsors of this bill have any desire to establish any new layers of wasteful bureaucracy, so I look forward to working with them to pass the most efficient, effective effort possible.

This bill offers a key example of the bipartisan support for drug prevention and drug treatment efforts which exists at the grassroots level throughout our Nation. In the weeks and months ahead, I look forward to working with my colleagues in the same bipartisan fashion.

As my colleagues have heard me note on numerous occasions—our Nation stands on the edge of the ''baby boomerang''—with 39 million American children under the age of 10, the greatest number since the 1960's. We must prepare for these 39 million as they enter their teen years when they will be at their greatest likelihood of falling prey to drugs and crime. If we do not, we will pay for our lack of foresight with what could be the most severe epidemic of youth drug abuse, youth violence, and youth crime our Nation has ever suffered.

Preparing each of these 39 million American children means giving them the techniques and the desire to stay away from drugs—in short, drug prevention. The Drug-Free Communities Act of 1997 is one of what must be many elements of a comprehensive, nationwide drug prevention effort. I am pleased to cosponsor this legislation and I look forward to passing it into law.

Mr. D'AMATO. Mr. President, I join my colleagues in the introduction of the Drug Free Communities Act and urge its passage. This bill responds to a distressing increase in teenage drug use by providing startup funding and technical assistance to community coalitions that work together to prevent drug use.

According to the University of Michigan's 1996 Monitoring the Future study, more than half of all high school students use illicit drugs by the time they graduate. The Office of National Drug Control Policy cited in their strategy report that nearly 1 in 4 high school seniors used marijuana on a past-month basis in 1996.

The age for which children start using drugs is declining. While the number of teenagers using marijuana increased 37 percent from 1994 to 1995, the age of first use declined from 17.8 years of age in 1987 to 16.3 years of age in 1994. There was also a drop in age for first use of cocaine from 23.3 years to 19 years old. Drug use is starting at an early age.

Drug abuse costs this country approximately $67 billion a year in social, health and criminal costs. But the 14,000 drug-related deaths each year cannot be calculated in costs. The destruction of lives of the drug users, their families, friends, and neighbors is inevitable.

The need to correct the trend is imperative and it is communities that can do it. Community coalitions are essential for an effective prevention program. It is the community groups that see the problem first hand and know what is needed in that area to stop children from using drugs.

This bill will provide the incentive for community action groups to work together for the sole purpose of drug prevention. Groups representing youths, parents, businesses, schools, law enforcement, religious organizations, health professionals, as well as government agencies will be expected to prepare a strategy and implement it—together. But the community must be organized first, prior to receiving grant funds, in order for the coalition to prove a long-term commitment.

The grants will be distributed to organized community coalitions that have matching funds and those funds cannot be derived from the Federal Government. This requirement ensures that the coalition has support and can be sustained after the grant sunsets. This will not be another Federal program, but rather a means to support organized coalitions that devise and implement a comprehensive antidrug campaign while they get off the ground.

Several groups in my State have already endorsed this proposal including the Syracuse Police Department, the mayor of Syracuse and agencies in Onondaga County. Respected national organizations that deal with drug and alcohol abuse have also endorsed the proposal including DARE, Mothers Against Drunk Driving, Partnership for a Drug-Free America, and Empower America, among others.

This is a comprehensive strategy to a problem that is best dealt with at the local level. I urge my colleagues to closely review the merits of this bill and support its passage. Our communities need it.

Mr. GRAHAM. Mr. President, I rise today as a proud cosponsor of the Drug Free Communities Act.

The objective of this bill is to protect our greatest national resource—our children—from the deadly scourge of drug abuse. And it protects them in a way that has been proven through the centuries—by strengthening communities. This bill gives local communities the support they need to keep drugs away from their young people. And it allows them to use it in a way that has proven to be effective in their community, and not as some Washington bureaucrat dictates.

Unfortunately, recent studies of drug use in America demonstrate the need for a program such as this. The statistics on substance abuse among our Nation's children are particularly disturbing:

According to the University of Michigan's 1996 study ''Monitoring the Future,'' half of all high school students have tried some type of illicit drug by the time they graduate. Drug use among eighth graders has risen 150 percent in the last 5 years. Overall, drug use for children between the ages of 12 and 17 has increased more than 100 percent, from 5.3 percent in 1992 to 10.9 percent in 1995.

The drug most often used by these children continues to be marijuana. More children are smoking marijuana and they are starting to do so at a younger age. According to the ''Monitoring the Future'' study, almost 25 percent of high school seniors had used marijuana during the previous month. Between 1994 and 1995, the rate of use among 12- to 17-year-olds increased 37 percent, from 6 percent to over 8 percent.

And the use of marijuana often leads to the use of stronger and more dangerous drugs. A study completed by Columbia University's Center on Addiction and Substance Abuse found that children who smoke marijuana are 85 times more likely to try cocaine than children who have never tried marijuana.

The use of cocaine and heroin among our children is also on the increase. Among high school seniors in 1996, over 7 percent had tried cocaine at some time. And the number of younger children experimenting with these drugs is alarming. During the last 5 years, heroin use among 8th to 12th graders and the number of 8th graders who had tried cocaine had doubled.

So what can we do to help our youth reject the temptation to use drugs? We can help families to convince kids that they must never even try illegal drugs.

That is why I am proud to be a cosponsor of the Drug-Free Communities Act of 1997, which we are here to introduce today. This bill will help communities reduce drug use among youth by providing matching grants of up to $100,000 to community coalitions for the establishment of programs designed to prevent and treat substance abuse in young people. These grants will be used to provide support to local communities who have proven their long-term commitment to reducing drug use among youth. It includes provisions for an advisory commission of substance abuse experts to oversee the program, to ensure that grants go only to those programs that have demonstrated success in keeping our children and grandchildren off drugs.

There are several reasons why every Member of Congress should support this bill:

This program helps local communities in a way that is consistent with the 1997 strategy of the Office of National Drug Control Policy. The No. 1 goal of the strategy is to encourage

America's youth to reject illegal drugs by assisting community coalitions to develop programs that will accomplish this goal. The grants provided for in the Drug Free Communities Act will establish a partnership between the Federal Government and local communities.

There are safeguards to prevent abuse of the program. Only established groups that can provide matching funds will be eligible to receive funding. This ensures that only programs that have a proven track record of success in fighting drug abuse among our young people will receive funding.

I urge my colleagues to join me in supporting this important bill. Our children's future depends on keeping them free of drugs, and this legislation will help those groups who can make a difference in the lives of our youth. There is no greater service that we can provide to our country than to keep our children drug-free.

Mr. ABRAHAM. Mr. President, I am pleased to be an original cosponsor of the Drug Free Communities Act of 1997. This bill will lend a helping hand to local coalitions that are leading the fight against substance abuse.

Few would argue that substance abuse, particularly among our youth, is a growing problem in communities across our Nation. Drug use among teens has increased sharply in recent years. There is reason to believe, however, that local coalitions, reflecting a broad cross-section of the communities they serve, can do much to combat drug use among youths as well as adults.

The Drug Free Communities Act would lend important assistance to these coalitions. Specifically, the bill would authorize grants of up to $100,000 to local coalitions whose principal mission is the reduction of substance abuse. To be eligible for a grant, a coalition must include representatives from the religious, business, law enforcement, education, parental, and health care communities, as well as local government officials, in the geographic region served by the coalition. To enhance coalition accountability—and thus to direct resources to the most successful coalitions—a participating coalition would be required to conduct an initial benchmark survey of drug use in its community, followed by biennal surveys. No new funding would be needed for the bill, as grant moneys would be drawn from the existing budget of the Office of National Drug Control Policy.

In short, Mr. President, this bill recognizes that the efforts of local leaders are indispensable in the war on drugs. I am proud to support those efforts, and look forward to passage of this bill.

By Ms. MIKULSKI (for herself, Ms. SNOWE, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mrs. BOXER, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Ms. COLLINS, Ms. LANDRIEU, Mr. HARKIN, Mr. COCHRAN, Mr. KENNEDY, Mr. BIDEN, Mr. FAIRCLOTH, Mr. DASCHLE, Mr. WYDEN, Mr. INOUYE, Mr. SARBANES, Mr. BINGAMAN, Mr. HUTCHINSON, Mr. FORD, Mr. REID, Mr. LEAHY, Mr. DODD, Mr. ABRAHAM, Mr. BENNETT, Mr. CHAFEE, Mr. FEINGOLD, Mr. GREGG, Mr. REED, Mr. MACK, Mr. ROBB, Mr. JEFFORDS, Mr. LEVIN, Mr. FRIST, Mr. BOND, Mr. WELLSTONE, Mr. SPECTER, Mr. BURNS, Mr. GLENN, Mr. COATS, Mr. AKAKA, and Mr. LIEBERMAN):

S. 537. A bill to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program; to the Committee on Labor and Human Resources.

THE MAMMOGRAPHY QUALITY STANDARDS ACT

Ms. MIKULSKI. Mr. President, I am honored to be joined by my colleagues, both men and women from both sides of the aisle, in introducing the reauthorization of the Mammography Quality Standards Act [MQSA]. The bill I am introducing today reauthorizes the original legislation which passed in 1992 with bipartisan support.

What MQSA does is require that all facilities that provide mammograms meet key safety and quality-assurance standards in the area of personnel, equipment, and operating procedures. Before the law passed, tests were misread, women were misdiagnosed, and people died as a result of sloppy work. Since 1992, MQSA has been successful in bringing facilities into compliance with the Federal standards.

What are these national, uniform quality standards for mammography? Well, facilities are required to use equipment designed specifically for mammography. Only radiological technologists can perform mammography. Only qualified doctors can interpret the results of mammography. Facilities must establish a quality assurance and control program to ensure reliability, clarity, and accurate interpretation of mammograms. Facilities must be inspected annually by qualified inspectors. Finally, facilities must be accredited by an accrediting body approved by the Secretary of Health and Human Services.

This current reauthorization makes a few minor changes to the law to ensure the following: Patients and referring physicians must be advised of any mammography facility deficiency. Women are guaranteed the right to obtain an original of their mammogram. Finally, both State and local government agencies are permitted to have inspection authority.

I like this law because it has saved lives. The frontline against breast cancer is mammography. We know that early detection saves lives. But a mammogram is worse than useless if it produces a poor-quality image or is misinterpreted. The first rule of all medical treatment is: Above all things, do no harm. And a bad mammogram can do real harm by leading a woman and her doctor to believe that nothing is wrong when something is. The result can be unnecessary suffering or even a death that could have been prevented. That is why this legislation is so important. This law must be reauthorized so that we don't go back to the old days when women's lives were in jeopardy.

I want to make sure that women's health care needs are met comprehensively. It is expected that 180,000 new cases of breast cancer will be diagnosed and about 44,000 women will die from the disease in 1997. This makes breast cancer the most common cancer among women. And only lung cancer causes more deaths in women.

We must aggressively pursue prevention in our war on breast cancer. I pledge to fight for new attitudes and find new ways to end the needless pain and death that too many American women face. This bill is an important step in that direction. On behalf of all the women of the Senate, I invite the men of the Senate who have not already cosponsored to do so. The women of America are counting on your support.

Mr. DODD. Mr. President, I rise today to voice my strong support, as an original cosponsor of the reauthorization of the Mammography Quality Standards Act [MQSA].

I first lent my support to this effort when the MQSA was initially introduced and passed in the 102nd Congress. For the past 5 years, this critically important legislation has provided women with safe and reliable mammography services. As the Mammography Quality Standards Act comes up for reauthorization, I urge all of my fellow colleagues to once again make a commitment to the health and well being of America's women by supporting this legislation.

Breast cancer is the most common type of cancer to affect women. In fact, almost 1 in 9 women will develop breast cancer at some point in their lives. Mammography, while not a cure for cancer, provides the best detection system for diagnosing this dangerous and deadly disease. And, early detection of breast cancer is often the key to effective treatment and recovery.

The Mammography Quality Standards Act ensures that mammography service providers comply with Federal requirements. These quality standards guard against inaccurate or inconclusive mammography results, thereby reducing the costly procedures associated with false positive diagnoses.

Before this legislation was originally enacted, women were often at the mercy of their mammography service provider, unaware if these providers lacked the necessary equipment, or even adequately trained technicians. The MQSA is helping to effectively eliminate concerns of substandard mammography and its possibly tragic results by assuring that only the correct radiological equipment is used in

mammography testing. Further, this legislation is assuring women that only physicians adequately trained in this medical area are interpreting mammograms.

New to this legislation are some additional requirements which seek to further assure women that their mammogram service produces the most accurate and timely detection of any irregularities. Mammography service providers will now be required to retain women's mammogram records so that an accurate medical history is maintained. Reauthorization of these quality standards will also ensure that patients are notified about substandard mammography facilities.

I wish to commend Senator MIKULSKI for her leadership on this crucial legislation. Again, it is my pleasure to join my colleagues in ensuring that quality mammography service is readily available, and I urge the Senate to act quickly and approve this critically important measure for American women.

By Mr. CRAIG (for himself and Mr. KEMPTHORNE):

S. 538. A bill to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District and for other purposes; to the Committee on Energy and Natural Resources.

THE BURLEY IRRIGATION DISTRICT TRANSFER ACT

● Mr. CRAIG. Mr. President, I am today introducing a bill to authorize the Secretary of the Interior to transfer certain facilities at the Minidoka irrigation project to the Burley Irrigation District. The introduction of this legislation results from a hearing I held in the Senate Energy Committee in the past Congress and is nearly identical to S. 1291 from that Congress. I am introducing this project-specific legislation because it is obvious to me a general transfer bill is not workable; each reclamation project has unique qualities, and projects should be addressed individually or in distinct groupings.

The Reclamation Act of 1902 was part of the history of Federal public land laws designed to transfer lands out of Federal ownership and to settle this Nation. The origins of that policy predate the Constitution and derive from the early debates that led to the Northwest Ordinance of 1787. The particular needs and circumstances of the arid and semiarid lands west of the 100th meridian led to various proposals to reclaim the lands, including the Desert Land Act and the Carey Act. In his State of the Union Message of 1901, President Theodore Roosevelt finally called for the Federal Government to intervene to develop the reservoirs and works necessary to accomplish such irrigation. The reclamation program was enormously successful. It grew from the irrigation program contemplated by one President Roosevelt to the massive works constructed four decades later by the second President Roosevelt. For those of us in the Northwest, there is a very personal meaning to a line from Woody Guthrie's song about the Columbia that goes: ''your power is turning our darkness to dawn, so roll on Columbia, roll on.''

If what is known now had been known then, some projects may have been constructed differently. However, that is not the question we have before us. The central question is whether and to what extent the Federal Government should seek to transfer the title and responsibility for these projects. Has the Federal mission been accomplished?

The best transfer case would be the single purpose irrigation or municipal and industrial [M&I] system that is fully repaid, operation has long since been transferred, and the water rights are held privately. That is the case with the Burley Irrigation District transfer.

The transfer of title is not a new idea. Authority to transfer title to the All American Canal is contained in section 7 of the Boulder Canyon Project Act of 1928. General authority is contained in the 1955 Distribution Systems Loan Act. Recently, Congress passed legislation dealing with Elephant Butte and Vermejo.

The Burley Irrigation District is part of the Minidoka project that was built under the authorization of the 1902. Reclamation Act. By a contract executed in 1926, the District assumed the operation and maintenance of the system.

All construction contracts and costs for the canals system, pumping plants, power house, transmission lines and other improvements have been paid in full. Contracts for storage space at Minidoka, American Falls, and Palisades reservoirs have been paid in full, along with all maintenance fees. This project is a perfect example of the Federal Government maintaining only a bare title, and that title should now be transferred to the project recipients who have paid for the facilities and the rights of the Burley Irrigation District.●

By Mr. BIDEN (for himself, Ms. MIKULSKI, and Mr. TORRICELLI):

S. 540. A bill to amend title XVIII of the Social Security Act to provide annual screening mammography and waive coinsurance for screening mammography for women age 65 or older under the Medicare Program; to the Committee on Finance.

THE MEDICARE MAMMOGRAPHY SCREENING EXPANSION ACT

● Mr. BIDEN. Mr. President, there is no doubt a lot of women in their forties who are awfully confused these days about whether they should receive a regular mammogram to test for breast cancer. Over the last several years—and especially over the last couple of months—the debate in the scientific community and the conflicting scientific studies have not painted a very clear picture for younger women.

But, what is perfectly clear—what is not in dispute—is that older women should receive regular mammograms. Mammograms save lives. And, the scientific studies confirm it. If all women over 50 received regular mammograms, breast cancer mortality could be reduced by one-third. The recommended screening guidelines reflect this, no matter what group's guidelines you read. The American Cancer Society, the American College of Obstetricians and Gynecologists, the American Medical Association, the American Academy of Family Physicians, and the American College of Physicians all recommend that women over 50 receive annual mammograms.

Now, here's the problem. Women 65 and over have Medicare as their health insurance. The guidelines tell them—and their doctors are telling them—to get a mammogram once a year. But, Medicare pays for mammograms only once every 2 years. This means that an elderly woman must pay the cost of every other mammogram herself—or go without a mammogram every other year. And, even when Medicare pays for the mammogram, the woman is still responsible for at least 20 percent of the cost.

The result, Mr. President, is that too many women are following Medicare's payment rules—and not getting tested—rather than following the scientific guidelines—and being tested.

Two years ago, a study was published in the New England Journal of Medicine. It found that only 14.4 percent of women without Medicare supplemental insurance—that is, women who do not have, on top of Medicare, private insurance that may cover mammograms on an annual basis—only 14.4 percent of those women received even a mammogram once every 2 years, let alone annually. Even among those women with supplemental insurance, less than half had a mammogram over the course of 2 years. The study concluded that a woman's inability to pay a share of the costs for mammograms ''is an obstacle to the effective mass screening of older women for breast cancer.'' And, I would add, an obstacle to saving thousands of lives.

So, Mr. President, today I am introducing the Medicare Mammography Screening Expansion Act. This bill does two things. First, it would cover mammograms under Medicare once every year, as recommended by the guidelines, instead of once every 2 years, which is now the law. Second, it would eliminate the 20-percent copayment that is currently charged to women when they receive a mammogram, so that women are not discouraged from obtaining this important preventive measure because of the cost. I should note that eliminating the copayment is not unprecedented. Medicare already does not charge copayments for flu shots and most clinical laboratory tests.

Mr. President, we know that mammograms save lives. Yet, current Medicare policy creates barriers that are