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

S. 555. 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 Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. DEWINE, Mr. DASCHLE, Mr. BIDEN, Mr. D’AMATO, Mr. SHELDY, Mr. KOHL, Mr. GRAHAM, Mr. CLELAND, Mr. HATCH, Mr. HARKIN, Mr. THURMOND, Mr. STEVENS, Mr. DURBIN, Mr. HUTCHISON, 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 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, Mr. BOXER, Mr. 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. HUTCHISON, Mr. FORD, Mr. REID, Mr. LEAHY, Mr. DODD, Mr. ABRAHAM, Mr. BENNET, Mr. COOFFEE, 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 video guidelines governing televi- sion material from the applicability of the antitrust rules; 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 co- insurance 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 Greeley, Colorado, and the Water Supply and Storage Company to eliminate Government holdings 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 documentary 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. MCCOMAS, 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. MCCOMAS (for himself and Mr. KERRY, Mr. HELMS, Mr. KERREY, Mr. ROBB, Mr. ROTH, and Mr. THOMAS):

S. Res. 69. Resolution expressing the sense of the Senate that 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 POWMIA flag on various occasions and in various locations; to the Committee on the Judiciary.

THE NATIONAL POWMIA RECOGNITION ACT OF 1997

Mr. CAMPBELL. Mr. President, today 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 our Nation’s wars.

Many of us have visited one or more of the military academies that train our future military leaders. These academies have varied missions and each has a special reserved pew, a sign of respect for the highest and most noble acts we can perform. As a veteran who served in Korea, I am inspired today by what they have done. I call the valor and sacrifice of those soldiers, sailors, and pilots and to be inspired today by what they did.

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, post offices, and memorials around the Nation and other appropriate places of significance.

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 of 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 and we might live in freedom.

I 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, post offices, 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 may be captured or listed as 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;

(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, for the 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.


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. 528

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 prescribes 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's been the law for farm landlords, small business 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 of this law, today this morning: Don't try to game the system. The law as written provides 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.

So, along with Senator Grams of Minnesota, I am introducing this bill so farmers and retired farmers are no longer being encroached upon by the IRS. And the Tax Court in 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 farm. 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 inquiry to the lease agreement. This is not an expansion of the law for the taxpayers. Rather, it is a narrowing of the IRS' required inquiry 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.

Fifty 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 allowed the IRS to look beyond the lease agreement on this very limited authority, the IRS has unilaterally expanded the one court case even further so it now applies a national tax policy.

Our legislation clarifies that the IRS should examine only the lease agreement. Thus, it would preserve the pre-1960 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)(11)(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.

Especially, 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 prevent 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, in 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 so 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 future largely 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 has been festering 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. It is 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 the principle. Few questions 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 don’t allow a 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 $100,000.

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 then moved there, living 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. Often times, 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.

The infamous S&L crooks, 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 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 unacceptable 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 prevent-
ing the abuses that are making the American middle class question the in-
tegrity of our laws—the abuses the av-
verage American taxpayer is paying for out of pocket.

Indeed, it is even generous to de-
btors. Other than the eight States that
have no limit to the homestead exemp-
tion, no State has a homestead exemp-
tion 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 ef-
fort to make our bankruptcy laws more eq-
uitable. I urge my colleagues to sup-
port this important measure.

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

There being no objection, the bill was or-
ders to be printed in the RECORD, as fol-
ows:

S. 530

Be it enacted by the Senate and House of Rep-
resentatives of the United States of America in Amer-
ica 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 pro-
erty”;

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

“(n) As a result of electing under sub-
section (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) 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 de-
pendent 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. LAUTEN-
berg, 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 En-
vironment and Public Works.

ARCTIC NATIONAL WILDLIFE REFUGE

LEGISLATION

Mr. ROTH. Mr. President, I read re-
cently that “the best thing we have
learned from nearly five hundred years
of contact with the American wilder-
ness is restraint,” the need to stay our
hand and preserve our precious envi-
riment and future resources rather than
destroy them for momentary gain.

With this in mind, loffer 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 for-
ever.

And I can't stress how important this
is.

The Alaskan wilderness area is not only a
critical part of our Earth's eco-
system—the last remaining region
where the complete spectrum of the
subarctic ecosystems comes to-
gether—but it is a vital part of our na-
tional 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 dreams.

The Alaskan wilderness is a place of
outstanding wildlife, wilderness and
recreation, a land dotted by beautiful
forests, dramatic peaks and glaciers,
we are trying to protect. With this leg-
islation, I propose that the American
middle class question the in-
tegrity of our laws—those that are un-
trammeled and able to host their fon-
dest 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 Ameri-
can people the huge social and
environmental costs of unwise and un-
necessary development of one of na-
ture's crown jewels. The Arctic Na-
tional Wildlife Refuge is the com-
plete Alaskan wilderness with elements
of each tundra ecosystem, the biologi-
cal heart of the North Slope of Alaska.
It is on a par with our other great na-
tional resources, including the Grand
Canyon, the Yukon Delta, Yellowstone
Park, the Badlands, Glacier Bay, and
Denali. This is a unique piece of God's
Earth that must be preserved for our en-
tire Nation for centuries to come.

Make no mistake, environmental im-
pact analysis of the Arctic National
Refuge, including muskoxen, snow
geese, Arctic foxes, Arctic grayling, and
Ar-
cic 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 de-
velopment, and the last of its kind.

Many environmental studies dem-
onstrate that the negative environ-
mental effects of the Arctic National
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
re-
duce its long term numbers very sig-
ificantly. The Office of Management
and Budget has stated that “explo-
ration and development activities
would bring physical disturbances to
the area, unacceptable risks of oil
spills and oil are possible. Oil spills
that would harm wildlife for de-
cades.” Raymond Cameron, formerly of
the Alaska Department of Fish and
Game, documented that 19 percent

Together, we need to embrace envi-
ronmental 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 be-
lieve a strong economy, liberty, and
possibilities are possible. Only when we
have a healthy planet—only when re-
sources are managed through wise
stewardship—only when an environ-
mental ethic thrives among nations—
and only when people have frontiers
in which they can be committed and able to host
their fondest dreams.

Mr. ROTH. Mr. President, today I
wish to introduce legislation that
Designates a portion of the Arctic
National Wildlife Refuge as a
Wilderness Area.
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 small changes in population declines 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 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 by the National Petroleum Reserve in Alaska showed that 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 balance of an 8-day supply. But 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 where we have left? Every re-liable 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 the generation to come, by saving the Arctic National Wildlife Refuge.

By Mr. BAUCUS (for himself, Mr. KEMPThORNE, Mr. THOMAs, Mr. DORGAN, Mr. CONRAD, Mr. DASCHEL, Mr. JONHSON, Mr. CRAIG, Mr. BURNS, Mr. ENZI, Mr. HARKIN, Mr. BINGHAMAN, 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.

Second, STARS 2000 dramatically streamlines and simplifies today's transportation programs. It reduces ad-

ministrative 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 primary vehicle for critically needed projects. 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.

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 or are not in 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 do 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.

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.
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:

SEC. 401. Effective date; transition rules.

(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 AMOUNT 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) to be available for apportionment for the fiscal year for the National Highway System under section 151(1) of the Surface Transportation Authorization and Regulatory Streamlining Act.

"(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) 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)."

"(3) METHOD OF APPORTIONMENT.—

"(I) 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 151(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."

"(B) CONFORMING AMENDMENT.ÐSection 105(a) 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:

"(I) 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.—

"(I) INDIAN RESERVATION ROADS.—For Indian reservation roads, $191,000,000 for each of fiscal years 1998 through 2003.

"(II) PUBLIC LANDS HIGHWAYS.—For public lands highways, $172,000,000 for each of fiscal years 1998 through 2003.

"(III) PARKWAYS AND PARK ROADS.—For parkways and park roads, $94,000,000 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.

"(II) INTERSTATE MILEAGE.—25 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.

"(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 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 Highway Statistics Table VM-3.''

Statistics Table VM±3.''

For the surface transportation program, as used by the Secretary in developing Highway Statistics Table HM±60.

The term 'vehicle miles traveled on Federal-aid highways in all States' shall have the meaning used by the Secretary in developing Highway Statistics Table VM±2.'

(2) by striking paragraph (2); and

(b) the number determined under paragraph (1) by striking "paragraph (5)(A)''.

(5)''.

Section 104(b) of title 23, United States Code, is amended in the matter preceding 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)(B) of this subsection''.

(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)(10)(B) of this title''.

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

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(1) 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.

(2) definitions.—In this paragraph:

(A) Lane Miles on National Highway Airways.—The term 'lane miles on National Highway Airways' shall have the meaning used by the Secretary in developing Highway Statistics Table VM-2.'

(B) by striking paragraph (5); and

(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)(B) of this subsection''.

(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)(10)(B) of this title''.

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


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

(5) Section 159(b) of title 23, United States Code, is amended by striking "section 104(b)(5)(A)" and inserting "section 104(b)(5)(B)".

(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)".


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) PROGRAM.—On October 1 (or as soon as possible thereafter) each 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), an amount determined by subtracting from 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.

"(b) THIRD CALCULATION.—In addition to any amount required to be apportioned by paragraphs (1) and (2), 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 96 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) and (B) the amount 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.

"(c) FIFTH CALCULATION.—For each low-density State and each small State, the Secretary shall apportion to the State any 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, shall be available for obligation, when allocated, for the year authorized and the 3 following fiscal years.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) 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 amended by striking "paragraphs (1) and (3) of section 104(b), and subsection (b) of section 104 note; 105 Stat. 1933) is amended by striking paragraphs (1) and (3) of section 104(b), and inserting paragraphs (1) and (3) of section 104(b)."

(2) DONOR STATE BONUS AMOUNTS.—Section 1013 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1940) is amended by striking subsection (c).


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) by striking "an apportionment is made of the sums authorized to be appropriated for expenditure on the surface transportation program projects under this title..."; and

"(B) by striking "and" and all that follows through "in all cases"; and

"(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 amended by striking "paragraphs (1) and (3) of section 104(b), and subsection (b) of section 104 note; 105 Stat. 1933) is amended by striking paragraphs (1) and (3) of section 104(b), and inserting paragraphs (1) and (3) of section 104(b)."

(2) DONOR STATE BONUS AMOUNTS.—Section 1013 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1940) is amended by striking subsection (c).


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) by striking "an apportionment is made of the sums authorized to be appropriated for expenditure on the surface transportation program projects under this title..."; and

"(B) by striking "and" and all that follows through "in all cases"; and

"(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 amended by striking "paragraphs (1) and (3) of section 104(b), and subsection (b) of section 104 note; 105 Stat. 1933) is amended by striking paragraphs (1) and (3) of section 104(b), and inserting paragraphs (1) and (3) of section 104(b)."

(2) DONOR STATE BONUS AMOUNTS.—Section 1013 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1940) is amended by striking subsection (c).


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

(b) METROPOLITAN PLANNING. Section 106(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.—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 30 days after the date of enactment of this Act, the Secretary shall deduct an amount, not to exceed 5 percent of the funds apportioned under this section to the National Highway System under section 103 and the surface transportation program under section 133.

(c) CONTRACT PLANNING.—Section 307 of title 23, United States Code, as amended by section 102(a), is amended by adding at the end the following:

"(h) CONSIDERATION OF RURAL ISSUES IN TRANSPORTATION RESEARCH, INTELLIGENT TRANSPORTATION SYSTEMS, AND TECHNOLOGY PROGRAMS. In selecting topics for research, the Secretary shall undertake an enhanced level of research to determine means of reducing the long-term costs of constructing and maintaining asphalt pavement in areas with severe or frequent freeze-thaw cycles.

(1) CONSIDERATION OF RURAL ISSUES IN TRANSPORTATION RESEARCH.—In selecting topics for research, the Secretary shall give careful consideration to the national interest in—

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

(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 are appropriated to the Secretary of the Interior $300,000,000 for each fiscal year beginning on October 1, 1997, to carry out the provisions of this section.

(b) APPROPRIATION TO THE STATES.—(1) The Secretary shall distribute among the States by January 1, 1998, or funds apportioned for the fiscal year ending September 30, 1997, as follows:

(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 non-highway recreational fuel use.—Fifty percent of the amount apportioned for the fiscal year ending September 30, 1997, shall be apportioned among eligible States (as defined in section 1302(g)(2)) of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261(g)(2))) 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), and (4), the Federal share payable on account of a recreational trails project shall be 50 percent of any project's cost, if the share attributable to the Secretary of Transportation does not exceed 50 percent and the share attributable to the Federal agency jointy does not exceed 80 percent.

(2) ALLOWABLE MATCH FROM FEDERAL GRANTS.—Funds may be used to satisfy match requirements under Federal grants to the extent that the Federal share was determined in accordance with section (d).

(3) ALLOWABLE MATCH FROM FEDERAL GRANT PROGRAMS.—Notwithstanding any other provision of law, the Federal agency sponsoring a project under this section may use funds from Federal grants toward a project's cost, if the share attributable to the Federal agency does not exceed 80 percent.

(4) PROGRAMMATIC NON-FEDERAL SHARE.—A State may add amounts to the non-Federal share of projects the Secretary has funded under this section to the extent that the State indicates its intention to contribute funds toward a project's cost and may be accounted for as contributing to the non-Federal share.

(5) STATE ADMINISTRATIVE COSTS.—The Federal share of the cost of any recreational trails project shall not exceed 80 percent.

(2) RULES FOR OBLIGATION AUTHORITY LIMITATION.—Obligations under section 125, for the fiscal year ending September 30, 1998, shall not be subject to any limitation on obligation authority.

(3) DISTRIBUTION OF OBLIGATION AUTHORITY LIMITATION.—"(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 FOR A FISCAL YEAR.—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 LIMITATION.—"(a) IN GENERAL.—Notwithstanding any limitation described in paragraph (1), for each fiscal year, the Secretary—

(I) shall provide each State with administrative 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; and

(II) shall redistribute sufficient funds to States able to obligate amounts in addition to the amounts apportioned or distributed during 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 costs.

(4) 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.

(a) ADDITIONAL OBLIGATION AUTHORITY.—"(A) IN GENERAL.—Section 134(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261(g)(1)) is amended by adding at the end the following:

"(b) ALLOWABLE MATCH FROM FEDERAL GRANTS.—Notwithstanding any other provision of law, the Federal agency sponsoring a project under this section may use funds from Federal grants toward a project's cost, if the share attributable to the Federal agency does not exceed 80 percent.

"(c) PROGRAMMATIC NON-FEDERAL SHARE.—A State may add amounts to the non-Federal share of projects the Secretary has funded under this section to the extent that the State indicates its intention to contribute funds toward a project's cost and may be accounted for as contributing to the non-Federal share.
that are not obligated on the date on which the State completes obligation of the amount so distributed.

(B) LIMITATION ON ADDITIONAL OBLIGATION AUTHORITY.—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 6 times the amount apportioned to each State under sections 104 and 150 for fiscal year 1998 plus the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 2003.

(C) LIMITATION ON AMOUNT OBTAINABLE FOR ACQUISITION OF PROPERTY.—For fiscal year 1998, the amount apportioned to each State for obligations under section 104(b)(3) for fiscal year 1998 shall be available only to carry out activities eligible under section 130 or 152.

(D) LIMITATION ON ADDITIONAL OBLIGATION.—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 6 times the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 1998 plus the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 2003.

(E) LIMITATION ON ADDITIONAL OBLIGATION AUTHORITY.—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 6 times the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 2003 plus the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 2004.

(F) LIMITATION ON ADDITIONAL OBLIGATION AUTHORITY.—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 6 times the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 2005 plus the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 2006.

(G) LIMITATION ON ADDITIONAL OBLIGATION AUTHORITY.—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 6 times the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 2007 plus the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 2008.

(H) LIMITATION ON ADDITIONAL OBLIGATION AUTHORITY.—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 6 times the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 2009 plus the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 2010.

(I) LIMITATION ON ADDITIONAL OBLIGATION AUTHORITY.—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 6 times the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 2011 plus the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 2012.

(J) LIMITATION ON ADDITIONAL OBLIGATION AUTHORITY.—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 6 times the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 2013 plus the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 2014.

(K) LIMITATION ON ADDITIONAL OBLIGATION AUTHORITY.—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 6 times the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 2015 plus the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 2016.

(L) LIMITATION ON ADDITIONAL OBLIGATION AUTHORITY.—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 6 times the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 2017 plus the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 2018.

(M) LIMITATION ON ADDITIONAL OBLIGATION AUTHORITY.—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 6 times the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 2019 plus the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 2020.

(N) LIMITATION ON ADDITIONAL OBLIGATION AUTHORITY.—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 6 times the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 2021 plus the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 2022.

(O) LIMITATION ON ADDITIONAL OBLIGATION AUTHORITY.—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 6 times the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 2023 plus the amount apportioned to each State under sections 104 and 150 for the fiscal year beginning with fiscal year 2024.
SEC. 202. NATIONAL HIGHWAY SYSTEM.
(a) Definition of National Highway System.--Subchapter II of title 23, United States Code, is amended--
(A) by redesignating section 103 as 103A, redesignating sections 104 and 105 as 104A and 105A respectively, and designating new sections 103 and 104 as 103A and 104A respectively;
(B) by striking the second sentence of section 104A(3); and
(C) by striking sections 104A(4) and 104A(5) of this title and inserting the following:
``SEC. 104A. DEFINITION OF TERMS.Ð
(A) '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:
``§ 103A. National Highway System''
(2) by striking subsections (g) and (h); and
(3) by redesignating subsection (i) as subsection (j), and moving the subsection to appear after subsection (b).
(c) Conforming Amendment.--The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 103 and inserting the following:
``103A. 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 redesignating 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 analyses 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 ''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 121 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 stationary source emission 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 purposes 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)) and nonattainment area regardless of whether the area has been 'classified' under subpart 3 of part D title I of that Act (42 U.S.C. 7512 et seq.).'';
(2) 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 and multiplying—
``(i) if funds were 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 200,011 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, the amount of such funds that would have been required to be allocated for use in the area under the surface transportation program for fiscal year 1997, by
``(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 obtained by dividing—
``(aa) all funds apportioned or allocated to the State for Federal-aid highways and highway safety construction programs for fiscal year 1997, by
``(bb) all funds apportioned or allocated to the State for Federal-aid highways and highway safety construction programs for fiscal year 1997, the amount of such funds that would have been required to be allocated for use in the area under the surface transportation program for fiscal year 1997, by
``the amount of obligations expected to be incurred for surface transportation program projects during the fiscal year 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 for fiscal year 1997, by
``the amount of obligations expected to be incurred for surface transportation program projects during the fiscal year 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 for fiscal year 1997, by
``(2) PURPOSE.ÐThe purpose of this section is to further the Federal interest in State projects subject to review by the Secretary under this chapter.''; and
(B) in subparagraph (D), by striking the second sentence.
(c) 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. 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 $30,000,000 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 by--
(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) General.—Chapter 2 of title 23, United States Code, is amended by striking after section 205 the following:
``(4) 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 the construction 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 for 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) General.—

(A) In general.—The Secretary shall distribute to States, 50 percent of the amount that would otherwise be made available to the State for such a project, if the Secretary agrees to transfer amounts made under this section to the State.

(B) Distribution of funds.—Except as otherwise provided by law, obligated balances of funds apportioned or allocated to a State before October 1, 1997, under this title, the 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 provisions of this section. Federal-aid highway programs (including regulations and procedures) relating to the obligation and expenditure of the funds in effect on September 30, 1997, shall apply.

(2) Transferability.—

(A) Intersate 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), 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 section 104(b)(2) (as in effect on the day before the date of enactment of this subsection).

(3) Other programs.—A State may transfer unobligated balances of funds apportioned 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), to the apportionment of the State under section 104(b)(3).

(d) 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 if the laws were in effect after the date of enactment of this subsection. The Secretary may modify the regulations, policies, and procedures under the laws as in effect after the date of enactment of this subsection, except that except as otherwise provided by law, obligated balances of funds transferred under this paragraph shall not extend the period within which the transferred funds either must be obligated or lapse.

(e) 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.

(g) 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.

In 2000 funding levels are approximately $27 billion annually.

The breakdown is as follows:
National Highway System—$14.16 billion
Surface Transportation Program—$9.42 billion
Equity programs—approximately $2.8 billion
Federal lands programs
1. Indian reservation roads—$191 million
2. Cooperative Federal Lands Transportation Program (new)—$355 million
3. Parks and Parkway—$84 million
Cooperative Federal Lands Transportation Program—$30 million

**FUNDING FORMULAS**

**STARS 2000** funding formulas are based heavily on the extent and use of a State's highway system, 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 freeways.

**STARS 2000** retains a 95% minimum allocation equity account.

**STARS 2000** proposes a 10% set-aside of the $4 billion STP program—$400 million. STARS 2000 retains the approval of the STP program and projects eligible under today's current NHS program.

**SURFACE TRANSPORTATION PROGRAM**

**Federal lands category**

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

**RECREATIONAL TRAILS**

**CONGRESSIONAL RECORD — SENATE**

**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.

**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 maintenance activities, bridge improvements and other uses eligible under today's current NHS program.

**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 develop projects that meet their transportation priorities. Projects such as highway reconstruction, safety improvements, transit, bridges, enhancements, CMAQ projects or other eligible investments.

**FEDERAL LANDS**

STARS 2000 retains the federal lands categories—public lands, Indian reservation roads, parks and parkways. Current funding levels remain in place.

A new Federal lands category, the Cooperative Federal Lands Transportation Program is also proposed at $155 million annually. These funds are 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 34 original co-sponsors in support of this 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 transportation.

Unfortunately, the administration bill, NXTEA, 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. We must streamline the program. It does not make the kinds of changes that are needed. It hangs on to the donor/donee States. Some States have 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. We really do 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 high- way surface transportation.

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

I yield the time, Mr. KEMP THORNE. 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 War ren of Arizona. He 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 debate. 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, 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 can 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 air quality in our State, the air quality 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—Ideo is the 13th State, as far as ranking in landmass, yet we rank 41st in population. Some States 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 been 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 go out and they then have to determine how it is 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 why we are going to hold 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 here right here in 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 have people to support systems such as this, and then we say to the States and 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 go out and they then have to determine how it should be spent.

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 in Idaho, they have in excess of 500 trucks that run back and forth between the United States and Canada. They said there are so many significantly unsafe portions of, for example, highway 95, do they 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 just the federal government 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 the current program that is in existence today.

I do 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 marvelous 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 many people, 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 2.1 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 531 miles, and there are few options other than driving to make that trip. By contrast, that same distance would take you from Washington, DC, to Dallas, TX, or 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 bicycle and pedestrian program. STARTS 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.

STARTS 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 STARTS proposes only level funding for the Indian reservation road program. Although I am supporting S. 437, the American Indian Transportation Act, I will continue to try to increase funding for roads and bridges on Indian reservations.

STARTS 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 STARTS.

CMAQ has been a significant reason cities like Albuquerque and Santa Fe, and are maintaining clear air standards, and I hope we will find ways to keep this program working.

Additionally, STARTS 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 and other Western 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 miles 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 interdependency that 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 STARTS 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 alter the ability of 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:

CONGRESSIONAL RECORD — SENATE

S2915

April 9, 1997

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CONGRESSIONAL RECORD – SENATE

April 9, 1997

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 “Fishing Industry Bargaining Act”.

SEC. 2. EXEMPTION FROM FEDERAL ANTITRUST LAWS.


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

and

(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 through 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 to be paid to those persons 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, 52 U.S.C. 12 et seq.);

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


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 unloaded 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 must 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 a gun that is used to kill a child across the Nation. We cannot do this alone. That is 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) DEFINITIONS OF LOCKING DEVICE.—Section 922(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; 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.

“(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 proper and legible 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 the 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 SECURED AND INACCESSIBLE TO CHILDREN. FAILURE TO PROPERLY LOCK YOUR 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 manufacture, transfer to, or possession by, the United States or a State or a department, agency, or political subdivision of a State, of a handgun; or

“(B) 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 or not on duty); or

“(C) the transfer to, or possession by, a railroad police officer employed by a railroad carrier and certified or commissioned as a police officer under the laws of a State for purposes of law enforcement (whether or not on duty).’’

“(3) PENALTIES RELATING TO LOCKING DEVICES AND WARNINGS.—

“(1) IN GENERAL.—

“(A) SUSPENSION OR REVOCATION OF LICENSES.—In addition to any other 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, suspend or revoke any license issued to the licensee under this Act; or

“(B) 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 through 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 to be paid to those persons 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, 52 U.S.C. 12 et seq.);

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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 unloaded firearms each day. 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 at the hands of the Centers for Disease Control and Prevention noted that nearly 1.2 million latch-key children have access to loaded and unlocked firearms each day. Children
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. LITVENBERG, Ms. MIKULSKI, Mr. FAIRCLOTH, Mr. LEVIN, Ms. COLINS, 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.


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 mobility, 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 battle against this disordered disease. Mo was forced to resign from Congress in 1991, his exemplary career prematurely ended by Parkinson's.

I was fortunate enough to 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 an 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 wreak 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. Utilizing 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. 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 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 range 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 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 Research Act 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, Senate, Washington, D.C.

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-Parkinson's 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 our fears for ourselves and 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 he 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 this process. She left him. He felt it wasn't her fault.

We knew the enemy. The worst thing of this disease was its slow torturous 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 that we could 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—he hung over and his eyes reflected. He was full of sorrow. I was full of anger at 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 fell. He had no idea that the bill would pass. We still had the will to fight. We grasped at hope. We dedicated the only functioning time we thought we might have left to getting this bill passed.

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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 and health, better or 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. It 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, now 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, smallpox 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.


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 Parkinson’s disease from bedsores and infection as a result of Parkinson’s Disease. He was forced to live with uncontrollable tremors, locked rigid muscles, loss of 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 him to be 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.

April 9, 1997

CONGRESSIONAL RECORD – SENATE

S2919

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 (S 1802). Parkinson’s disease for 25 years, I can safely say that the bill is timely and that the money will be well spent if the bill is passed. I have witnessed the remarkable advances 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. We know that the dopamine system becomes compromised with age and the end result is Parkinson’s disease.

We have just listed the 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 this disease. Our approach to this disease is novel and appropriate to the current status of knowledge in this field. We are not restricted by ideas. We are not bound 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 the research community must 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 bill will not just lead to a cure 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 feel that I might be able to help, 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.

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 now and will continue to be 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 that it is my family's responsibility 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 find 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 we need is to take advantage of the new technologies and the enormous pool of talented investigators waiting to use them 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 problem 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 found in 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,

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

DEAR SENATOR MCCAIN: Your dedication to bringing about the reintroduction of the Morris K. Udall Parkinson's Disease Research and Education Act is most appreciated. The bitter sweet 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 is one to 1.5 million people struck with a disease that costs the government billions of dollars annually to maintain status quo whereas an annual investment of one hundred 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 12th 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 being locked in a life revolving 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 perilous 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 Parkinson's patients 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 passage of the new Udall bill.

Sincerely,

CYNTHIA A. HOLMES, PHD,
Coordinator, APDA Information & Referral Center at the University of Arizona.

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. 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 people that teach children say the monarchical 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 other adults 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. The fact will this act will be 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 without the authority to demand the actions 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 abuse 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 under 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 offsets within the current $16 billion Federal drug control budget.

An advisory commission, consisting of local community leaders, and State and local experts among the fields 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:

``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) The 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 is 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 40 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 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 on state-of-the-art practices and initiatives that have proven to be effective in reducing substance abuse among youth;

``(7) to enhance, 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 103(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 in 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 103(a).

``(6) GRANT RECIPIENT.—The term ‘grant recipient’ means the recipient of a grant award under section 103.

``(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 103(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 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.

``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.

``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 103(b).

``(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); and

``(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—
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“(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)

“(I) COMMITMENT.—The coalition shall demonstrate, to the satisfaction of the Administrator—

“(A) that the representatives of the coalition work together on substance abuse reduction initiatives for a period of not less than 6 months, acting through entities such as task forces, subcommittees, or committees; 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 effective 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 a nonprofit organization; or

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

“(ii) a nonprofit organization 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 annual 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) 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.

“(D) 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) each of the coalitions demonstrates 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.—

“(B) RENEWAL GRANTS.—The Administrator may award a grant in accordance with this section to a community, make a grant to 1 eligible coalition that represents that community;

“(II) the population of the community exceeds 2,000,000 individuals;

“(III) the eligible coalitions demonstrate that the coalitions are collaborating with one another; and

“(iv) each of the coalitions has independently met the requirements set forth in section 1032(a).

“(3) mediation and facilitation, direct services, or education for that 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.

“(B) ACCOUNTABLE. In addition to awarding grants under paragraph (1), the Administrator, in consultation with the Advisory Commission, may award a grant in accordance with this section to a coalition that represents a community 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) the general public.

“(B) RESEARCH AND DEVELOPMENT. The Administrator may engage in research and development activities related to the Program; and

“(II) the general public.

“(C) DISSEMINATION OF INFORMATION. The Administrator may 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 AGREEMENTS.—With respect to any grant recipient, the Administrator shall—

“(B) TRAINING.—The Administrator may provide training to any representative designated by a grant recipient in—

“(i) the general public.

“(B) COORDINATION OF PROGRAMS.—The Administrator may facilitate the coordination of programs between a grant recipient and other organizations and entities.

“(B) task force development;

“(2) COORDINATION OF PROGRAMS.—The Administrator may facilitate the coordination of programs between a grant recipient and other organizations and entities.

“(3) mediation and facilitation, direct services, 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;

"(B) with the approval of the Administrator, make the information referred to in subparagraph (A) available through appropriate channels 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 at large.

"(1) 6 members shall be appointed from the general public and shall include leaders—

"(A) in fields of youth development, public policy, community development, or other fields of work that deal with substance abuse reduction organizations, of which no fewer than 4 members shall have extensive training or experience in drug prevention;

"(2) 6 members shall be appointed from the leadership of state substance abuse reduction organizations;

"(3) 3 members shall be appointed from the leadership of State substance abuse reduction coalitions;

"(b) CHAIRPERSON.—The Advisory Commission shall elect a chairperson or cochairperson 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.

"(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 shall serve only 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 Cochairperson) 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 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 Senate 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—youth, 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 1991 in central Ohio 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 students about drugs and help kids understand 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 bill—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 colleagues 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 children out of drugs and drugs away from kids.

"This year, $130 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 parents, businesses, 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
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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 will have to resort to 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 need is to 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 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 this epidemic of youth drug abuse, and 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 this epidemic of youth drug abuse, and I am pleased to cosponsor this legislation and I look forward to passing it into law.

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. It protects them in a way that has been proven through the strengthening community coalitions. 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 communities, 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 seniors 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 1992 to 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 Addictions demonstrates 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 resist the temptation to use drugs? We can help families to convince kids that they just don’t want to use 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 are already geared toward 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. 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, drawing 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 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 biennial surveys. No new funding would be needed for the bill, as grant money 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 these efforts, and look forward to passage of this bill.

By Ms. MIKULSKI (for herself, Ms. SHERMAN, Mr. 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. SARBAZEN, Mr. BINGAMAN, Mr. HUTCHISON, Mr. FORD, Mr. REID, Mr. LEAHY, Mr. DODD, Mr. ABRAMSKY, Mr. BENNET, Mr. CHAFEE, Mr. FEINGOLD, Mr. GREGG, Mr. REED, Mr. MACK, Mr. ROBB, Mr. JEFFORDS, Mr. LEVIN, Mr. FRIST, Mr. BOND, Mr. WELLSTONE, Mr. SPENCER, Mr. BURK, Mr. GLADIE, 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 reintroducing 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.

I believe that MQSA was passed to 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 by technicians because of a lack of standardization, 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. 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: First, radiation providers 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 in-service training.

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.

I support this legislation which 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 concern for 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 provisions which will 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 standard 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 enormous and successful. It grew from irrigation. The reclamation program was called for the Federal Government to own and control the land and water resources. The Reclamation Act of 1902 and the Carey Act set the stage for the Federal Government to reclaim the land and control the water resources west of the Mississippi River.

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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 to waive coinsurance for 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 supplement insurance, less than half had a mammogram over the course of 2 years. The study concluded that a woman's inability to pay the cost of a mammogram is an obstacle to saving thousands of lives.

Mr. President, today I am introducing the Medicare Mammography Screening Expansion Act. This bill addresses two things. First, it would cover mammograms under Medicare once every year, as recommended by the American College of Obstetricians and Gynecologists, the American Cancer Society, the American College of Physicians and the American Academy of Family Physicians. Second, it would eliminate the 20-percent copayment that is currently charged to women when they receive a mammogram. This bill does two things. First, it would cover mammograms under Medicare once every year, as recommended by the American College of Obstetricians and Gynecologists, the American Cancer Society, the American College of Physicians and the American Academy of Family Physicians. Second, it would eliminate the 20-percent copayment that is currently charged to women when they receive a mammogram.

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CONGRESSIONAL RECORD Ð SENATE

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