

Joint Committee on Sunset Review of Federal Programs, such studies, information, analyses, reports, and assistance as the committee may request.

SEC. 405. CONGRESSIONAL REVIEW.

The Committee on Rules and Administration of the Senate and the Committee on Rules of the House of Representatives shall review the operation of the procedures established by this Act, and shall submit a report not later than December 31, 2002, and each 5 years thereafter, setting forth their findings and recommendations. Such reviews and reports may be conducted jointly.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 1153

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1153, a bill to promote food safety through continuation of the Food Animal Residue Avoidance Database program operated by the Secretary of Agriculture.

S. 1465

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1465, a bill to consolidate in a single independent agency in the executive branch the responsibilities regarding food safety, labeling, and inspection currently divided among several Federal agencies.

S. 1563

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1563, a bill to amend the Immigration and Nationality Act to establish a 24-month pilot program permitting certain aliens to be admitted into the United States to provide temporary or seasonal agricultural services pursuant to a labor condition attestation.

S. 1618

At the request of Mr. MCCAIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1618, a bill to amend the Communications Act of 1934 to improve the protection of consumers against "slamming" by telecommunications carriers, and for other purposes.

S. 1701

At the request of Ms. COLLINS, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from California (Mrs. BOXER), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1701, a bill to amend the Higher Education Act of 1965 in order to increase the dependent care allowance used to calculate Pell Grant Awards.

SENATE JOINT RESOLUTION 41

At the request of Mr. SARBANES, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of Senate Joint Resolution 41, a joint resolution approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capital.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

SENATE CONCURRENT RESOLUTION 78

At the request of Mr. DORGAN, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of Senate Concurrent Resolution 78, A concurrent resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of Senate Resolution 155, a resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 179

At the request of Mr. DORGAN, the names of the Senator from Nebraska (Mr. KERREY), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of Senate Resolution 179, a resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

SENATE RESOLUTION 184

At the request of Mr. D'AMATO, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of Senate Resolution 184, A resolution expressing the sense of the Senate that the United States should support Italy's inclusion as a permanent member of the United Nations Security Council if there is to be an expansion of this important international body.

AMENDMENTS SUBMITTED

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1998

ABRAHAM AMENDMENT NO. 1715

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to amendment No. 1708 proposed by Mr.

MCCONNELL to amendment No. 1676 proposed by Mr. CHAFEE to the bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes; as follows:

On page 2, line 10, strike "and".

On page 2, line 15, strike the period and insert "; and".

On page 2, between lines 15 and 16, insert the following:

(D) is a targeted business.

On page 4, line 21, strike "an emerging business enterprise" and insert "a business".

On page 5, lines 6 and 7, strike "targeted businesses and".

On page 5, line 21, strike "targeted businesses and for".

On page 6, line 23, strike "a targeted business or".

JEFFORDS (AND OTHERS) AMENDMENT NO. 1716

Mr. JEFFORDS (for himself, Mr. SPECTER, Mr. MOYNIHAN, Mr. LEAHY, Ms. SNOWE, Mr. GREGG, Mr. SARBANES, Mr. SANTORUM, Mr. GRASSLEY, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of subtitle A of title I, add the following:

SEC. 11. NATIONAL HISTORIC COVERED BRIDGE PRESERVATION.

(a) DEFINITIONS.—In this section:

(1) COVERED BRIDGE.—The term "covered bridge"—

(A) means a roofed bridge that is made primarily of wood; and

(B) includes the roof, flooring, trusses, joints, walls, piers, footings, walkways, support structures, arch systems, and underlying land.

(2) HISTORIC COVERED BRIDGE.—The term "historic covered bridge" means a covered bridge that—

(A) is at least 50 years old; or

(B) is listed on the National Register of Historic Places.

(b) HISTORIC COVERED BRIDGE PRESERVATION.—The Secretary shall—

(1) develop and maintain a list of historic covered bridges;

(2) collect and disseminate information concerning historic covered bridges;

(3) foster educational programs relating to the history, construction techniques, and contribution to society of historic covered bridges;

(4) sponsor or conduct research on the history of covered bridges; and

(5) sponsor or conduct research, and study techniques, on protecting covered bridges from rot, fire, natural disasters, or weight-related damage.

(c) DIRECT FEDERAL ASSISTANCE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out 1 or more historic covered bridge projects described in paragraph (2).

(2) TYPES OF PROJECT.—A grant under paragraph (1) may be made for a project—

(A) to rehabilitate or repair a historic covered bridge;

(B) to preserve a historic covered bridge, including through—

(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;

(ii) installation of a system to prevent vandalism and arson; or

(iii) relocation of a bridge to a preservation site; and

(C) to conduct a field test on a historic covered bridge or evaluate a component of a historic covered bridge, including through destructive testing of the component.

(3) AUTHENTICITY.—A grant under paragraph (1) may be made for a project only if—

(A) to the maximum extent practicable, the project—

(i) is carried out in the most historically appropriate manner, using practices in use at the time the bridge was originally constructed; and

(ii) preserves the existing structure of the historic covered bridge; and

(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

(d) FUNDING.—There is authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 1999 through 2005, to remain available until expended.

JEFFORDS AMENDMENT NO. 1717

Mr. JEFFORDS submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, *supra*; as follows:

At the appropriate place in subtitle E of title III, insert the following:

SEC. 35. RAIL AND PORT ACCESS MODERNIZATION.

(a) DEFINITIONS.—In this section:

(1) FUND.—The term “Fund” means the Older Industrial Rail Modernization and Port Access Fund established by subsection (b)(7).

(2) OLDER INDUSTRIAL REGION.—The term “older industrial region” means the northeastern area of the United States.

(3) OLDER INDUSTRIAL STATE.—The term “older industrial State” means—

(A) Vermont;

(B) Maine; and

(C) New Hampshire.

(4) RAIL PROJECT.—The term “rail project” means a project for the acquisition, rehabilitation, or improvement of railroad facilities or equipment, as described in section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831).

(b) DIRECT FEDERAL ASSISTANCE.—

(1) IN GENERAL.—

(A) GRANTS.—Subject to the availability of appropriations, the Secretary shall make a grant under this subsection to each older industrial State that submits an application to the Secretary that demonstrates, to the satisfaction of the Secretary, a need for assistance under this subsection in carrying out 1 or more transportation projects described in paragraph (2), (3), (4), or (5) that are necessary to improve rail transport in that State.

(B) GRANT AGREEMENT.—The Secretary shall enter into a grant agreement with each older industrial State that receives a grant under this subsection. At a minimum, the agreement shall specify that the grant recipient will meet the applicable requirements of this subsection, including the cost-sharing requirement under paragraph (6)(B).

(2) GRANTS FOR PORT ACCESS.—The Secretary shall make grants under this subsection for the purposes of connecting all railroads to ports and ensuring that double-stack rail cars can travel freely throughout older industrial States.

(3) GRANTS FOR BRIDGE AND TUNNEL OBSTRUCTION REPAIR AND REPLACEMENT.—The Secretary shall make grants under this sub-

section for the purpose of enlarging tunnels and embankments, removing, repairing, or replacing bridges or other obstructions that inhibit the free movement of freight or passenger rail cars and the use of double-stack rail cars.

(4) GRANTS FOR REPAIR OF RAILROAD BEDS.—The Secretary shall make grants under this subsection for the purposes of repairing, upgrading, and purchasing railbeds and tracks, including improving safety of all railroad tracks.

(5) GRANTS FOR DEVELOPMENT OF INTERMODAL FACILITIES.—The Secretary shall make grants under this subsection for the purposes of constructing and rehabilitating train maintenance facilities and facilities for the transfer of goods and individuals between other transportation modes, including—

(A) intermodal truck-train transfer facilities;

(B) passenger rail stations; and

(C) bulk fuel transfer facilities.

(6) FUNDING LIMITATIONS ON EXPENDITURES OF FUNDS.—

(A) FUNDING.—The grants made under this subsection shall be made with funds transferred from the Fund.

(B) COST-SHARING.—

(i) IN GENERAL.—A grant made under this subsection shall be used to pay the Federal share of the cost of a project conducted under a grant agreement.

(ii) FEDERAL SHARE.—The Federal share of the cost of a project referred to in clause (i) shall be 80 percent of the cost of the project.

(C) ALLOCATION AMONG STATES.—

(i) IN GENERAL.—For each of fiscal years 1999 through 2002, the Secretary shall, in making grants under this subsection, allocate available amounts in the Fund among older industrial States in accordance with a formula established by the Secretary in accordance with clause (ii).

(ii) ALLOCATION FORMULA.—In making grants under this subsection, for each of the fiscal years specified in clause (i), the Secretary shall allocate an equal amount of the amounts available from the Fund to each of the older industrial States that submits 1 or more grant applications that meet the requirements of this subsection.

(7) OLDER INDUSTRIAL RAIL MODERNIZATION AND PORT ACCESS FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the “Older Industrial Rail Modernization and Port Access Fund”. The Fund shall consist of—

(i) such amounts as are appropriated to the Fund; and

(ii) any interest earned on investment of amounts in the Fund under subparagraph (B).

(B) INVESTMENT OF FUND.—

(i) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet then current withdrawals. Those investments may be made only in interest-bearing obligations of the United States or obligations guaranteed as to both principal and interest by the United States. For that purpose, those obligations may be acquired—

(I) on original issue at the issue price; or

(II) by purchase of outstanding obligations at the market price.

(ii) SALE OF OBLIGATION.—Any obligation acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold by the Secretary of the Treasury at the market price. The special obligations may be redeemed at par plus accrued interest.

(iii) CREDITS TO FUND.—The interest on, and the proceeds from, the sale or redemption of, any obligations held in the Fund

shall be credited to and form a part of the Fund.

(C) TRANSFERS FROM FUND.—The Secretary of the Treasury shall, on the request of the Secretary of Transportation, transfer from the Fund to the Secretary of Transportation, any amounts that the Secretary of Transportation determines to be necessary to carry out the grant program under this subsection.

(D) ADMINISTRATIVE EXPENSES.—Not more than 1 percent of the amounts in the Fund may be used by the Secretary to cover administrative expenses for carrying out the grant program under this subsection.

(8) APPLICABILITY OF TITLE 23.—Except as otherwise provided in this subsection, funds made available to an older industrial State under this subsection shall be available for obligation in the manner provided for funds apportioned under chapter 1 of title 23, United States Code.

(9) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the Fund to carry out this subsection \$65,000,000 for each of fiscal years 1999 through 2002.

(B) AVAILABILITY OF FUNDS.—The amounts appropriated pursuant to this paragraph shall remain available for obligation until the end of the third fiscal year following the fiscal year for which the amounts are appropriated.

(c) RAILROAD LOAN AND ASSISTANCE PROGRAM.—

(1) PURPOSE.—The purpose of this subsection is to provide assistance for rail projects in older industrial States.

(2) ISSUANCE OF OBLIGATIONS.—The Secretary shall issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 832), in such amounts, and at such times, as may be necessary, during the period that the guaranteed obligation is outstanding, to—

(A) pay any amounts required pursuant to the guarantee of the principal amount of an obligation under section 511 of that Act (45 U.S.C. 831) for any eligible rail project described in paragraph (3); and

(B) meet the applicable requirements of this subsection and sections 511 and 513 of that Act (45 U.S.C. 832 and 833).

(3) ELIGIBILITY.—A rail project that is eligible for assistance under this subsection is a rail project—

(A) for a railroad that is located in an older industrial State; and

(B) that promotes the mobility of goods and individuals.

(4) LIMITATION.—Notwithstanding any other provision of law, the aggregate unpaid principal amounts of obligations that may be guaranteed by the Secretary under this subsection may not exceed \$50,000,000 during any of fiscal years 1999 through 2002.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Transportation, to be used by the Secretary to make guarantees under this subsection, \$5,000,000 for each of fiscal years 1999 through 2002.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress and the Governor of each older industrial State a report concerning the rehabilitation of the rail infrastructure of older industrial States.

CHAFEE AMENDMENT NO. 1718

Mr. CHAFEE submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, *supra*; as follows:

On page 5, line 8, insert "(a) IN GENERAL.—" before "For".

On page 7, between lines 20 and 21, insert the following:

(b) REDUCTION FOR AMOUNTS MADE AVAILABLE FOR FISCAL YEAR 1998 UNDER SURFACE TRANSPORTATION EXTENSION ACT OF 1997.—Notwithstanding any other provision of this Act, the Secretary shall reduce the amounts made available under this section, other provisions of this Act, and the amendments made by this Act for fiscal year 1998 by the amounts made available under the Surface Transportation Extension Act of 1997 (Public Law 105-130) in the following manner:

(1) INTERSTATE MAINTENANCE.—

(A) REDUCTION.—The amount made available to each State under the Interstate maintenance component of the Interstate and National Highway System program under section 104(b)(1)(A) of title 23, United States Code, shall be reduced by the amount made available to the State under section 2 of the Surface Transportation Extension Act of 1997 (23 U.S.C. 104 note; 111 Stat. 2552) (and the amendments made by that Act) (collectively referred to in this subsection as "STEA") for the Interstate maintenance program.

(B) INSUFFICIENT INTERSTATE MAINTENANCE FUNDS.—If—

(i) the amount made available to the State under section 2 of STEA for the Interstate maintenance program; exceeds

(ii) the amount made available to the State under the Interstate maintenance component under section 104(b)(1)(A) of title 23, United States Code;

then, after the reduction required by subparagraph (A) is made, the amount made available to the State under the Interstate bridge and other National Highway System components of the Interstate and National Highway System program under subparagraphs (B) and (C) of section 104(b)(1) of that title shall be reduced by the amount of the excess.

(2) BRIDGES.—The amount made available to each State under the Interstate bridge and other National Highway System components of the Interstate and National Highway System program under subparagraphs (B) and (C) of section 104(b)(1) of title 23, United States Code, shall be reduced by the amount made available to the State under section 2 of STEA for the bridge program.

(3) NATIONAL HIGHWAY SYSTEM.—The amount made available to each State under the Interstate bridge and other National Highway System components of the Interstate and National Highway System program under subparagraphs (B) and (C) of section 104(b)(1) of title 23, United States Code, shall be reduced by the amount made available to the State under section 2 of STEA for the National Highway System.

(4) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—The amount made available to each State for the congestion mitigation and air quality improvement program under section 104(b)(2) of title 23, United States Code, shall be reduced by the amount made available to the State under section 2 of STEA for the congestion mitigation and air quality improvement program.

(5) METROPOLITAN PLANNING.—The amount made available to each State for metropolitan planning under section 104(f) of title 23, United States Code, shall be reduced by the amount made available to the State under section 5 of STEA for metropolitan planning.

(6) SURFACE TRANSPORTATION PROGRAM.—

(A) SAFETY PROGRAMS.—

(i) REDUCTION.—The amount set aside for safety programs from the amount made available to each State for the surface transportation program under section 104(b)(3) of

title 23, United States Code, shall be reduced by the amount set aside for safety programs from the amount made available to the State under section 2 of STEA for the surface transportation program, minimum allocation, Interstate reimbursement, the donor State bonus, hold harmless, and 90 percent of payments adjustments.

(ii) INSUFFICIENT SAFETY PROGRAM FUNDS.—If—

(I) the amount set aside for safety programs from the amount made available to the State under section 2 of STEA for the surface transportation program, minimum allocation, Interstate reimbursement, the donor State bonus, hold harmless, and 90 percent of payments adjustments; exceeds

(II) the amount set aside for safety programs from the amount made available to the State for the surface transportation program under section 104(b)(3) of title 23, United States Code;

then, after the reduction required by clause (i) is made, the amount made available to the State for the surface transportation program under section 104(b)(3), other than the amounts set aside or suballocated under section 133(d) or 505 of that title, shall be reduced by the amount of the excess.

(B) TRANSPORTATION ENHANCEMENT ACTIVITIES.—

(i) REDUCTION.—The amount set aside for transportation enhancement activities from the amount made available to each State for the surface transportation program under section 104(b)(3) of title 23, United States Code, shall be reduced by the amount set aside for transportation enhancement activities from the amount made available to the State under section 2 of STEA for the surface transportation program, minimum allocation, Interstate reimbursement, the donor State bonus, hold harmless, and 90 percent of payments adjustments.

(ii) INSUFFICIENT TRANSPORTATION ENHANCEMENT FUNDS.—If—

(I) the amount set aside for transportation enhancement activities from the amount made available to the State under section 2 of STEA for the surface transportation program, minimum allocation, Interstate reimbursement, the donor State bonus, hold harmless, and 90 percent of payments adjustments; exceeds

(II) the amount set aside for transportation enhancement activities from the amount made available to the State for the surface transportation program under section 104(b)(3) of title 23, United States Code; then, after the reduction required by clause (i) is made, the amount made available to the State for the surface transportation program under section 104(b)(3), other than the amounts set aside or suballocated under section 133(d) or 505 of that title, shall be reduced by the amount of the excess.

(C) SUBALLOCATION BY POPULATION.—The total of—

(i) the amount suballocated by population from the amount made available to each State for the surface transportation program under section 104(b)(3) of title 23, United States Code;

(ii) the amount suballocated by population from the amount made available to the State for ISTEA transition under section 1102(c); and

(iii) the amount suballocated by population from the amount made available to the State for minimum guarantee under section 105 of that title;

shall be reduced by the amount suballocated by population from the amount made available to the State under section 2 of STEA for the surface transportation program, minimum allocation, Interstate reimbursement,

the donor State bonus, hold harmless, and 90 percent of payments adjustments.

(D) SURFACE TRANSPORTATION PROGRAM FLEXIBLE FUNDS; INTERSTATE REIMBURSEMENT; EQUITY ADJUSTMENTS.—

(i) REDUCTION.—The total of—

(I) the amount made available to each State for the surface transportation program under section 104(b)(3) of title 23, United States Code, other than the amounts set aside or suballocated under section 133(d) or 505 of that title;

(II) the amount made available to the State for ISTEA transition under section 1102(c), other than the amounts subject to section 133(d)(3) or 505 of that title; and

(III) the amount made available to the State for minimum guarantee under section 105 of that title, other than the amount subject to section 133(d)(3) of that title;

shall be reduced by the amount made available to the State under section 2 of STEA for the surface transportation program, minimum allocation, Interstate reimbursement, the donor State bonus, hold harmless, and 90 percent of payments adjustments, other than the amounts set aside or suballocated under section 133(d) or 307(c) (as in effect on the day before the date of enactment of this Act) of that title.

(ii) INSUFFICIENT SURFACE TRANSPORTATION PROGRAM FLEXIBLE, ISTEA TRANSITION, AND MINIMUM GUARANTEE FUNDS.—If—

(I) the amount made available to the State under section 2 of STEA for the surface transportation program, minimum allocation, Interstate reimbursement, the donor State bonus, hold harmless, and 90 percent of payments adjustments, other than the amounts set aside or suballocated under section 133(d) or 307(c) (as in effect on the day before the date of enactment of this Act) of that title; exceeds

(II) the sum of the amounts described in subclauses (I) through (III) of clause (i), after application of the preceding provisions of this subsection;

then, after the reduction required by clause (i) is made, the amount made available under the Interstate bridge and other National Highway System components of the Interstate and National Highway System program under subparagraphs (B) and (C) of section 104(b)(1) of that title shall be reduced by the amount of the excess.

(7) FUNDING RESTORATION; ISTEA SECTIONS 1103-1108 FUNDS; STATE PLANNING AND RESEARCH.—

(A) REDUCTION.—The amount made available to each State for the surface transportation program under section 104(b)(3) of title 23, United States Code, other than the amounts set aside or suballocated under section 133(d) or 505 of that title, shall be reduced by the sum of—

(i) the amount made available to the State for funding restoration under section 2 of STEA;

(ii) the amount equal to the funds provided to the State under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027) under section 2 of STEA; and

(iii) the amount made available from the surface transportation program under section 104(b)(3) of that title for State planning and research under section 307(c) of that title (as in effect on the day before the date of enactment of this Act) for fiscal year 1998.

(B) INSUFFICIENT SURFACE TRANSPORTATION PROGRAM FLEXIBLE FUNDS.—If—

(i) the sum of the amounts described in clauses (i) through (iii) of subparagraph (A); exceeds

(ii) the amount made available to each State for the surface transportation program under section 104(b)(3) of title 23, United

States Code, other than the amounts set aside or suballocated under section 133(d) or 505 of that title, after application of the preceding provisions of this subsection;

then, after the reduction required by subparagraph (A) is made, the amount made available under the Interstate bridge and other National Highway System components of the Interstate and National Highway System program under subparagraphs (B) and (C) of section 104(b)(1) of that title shall be reduced by the amount of the excess.

(8) ADDITIONAL ALLOCATION.—The amount made available to each State for the surface transportation program under section 104(b)(3) of title 23, United States Code, that remains available after the set-asides required by section 133(d) of that title shall be reduced by the amount made available to the State under section 2 of STEA for section 1015(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1944).

(9) ADMINISTRATIVE EXPENSES.—

(A) FEDERAL HIGHWAY ADMINISTRATION.—The amount made available for administrative expenses under section 104(a) of title 23, United States Code, shall be reduced by the amount made available under section 4(a)(2) of STEA.

(B) WOODROW WILSON MEMORIAL BRIDGE.—The amount made available under section 412 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 shall be reduced by the amount made available under section 4(a)(3) of STEA.

(C) BUREAU OF TRANSPORTATION STATISTICS.—The amount made available under section 111(m) of title 49, United States Code, shall be reduced by the amount made available under section 4(b) of STEA.

(10) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—The amount made available for Indian reservation roads under section 204 of title 23, United States Code, shall be reduced by the amount made available under section 5(a)(1) of STEA.

(B) PUBLIC LANDS HIGHWAYS.—The amount made available for public lands highways under section 204 of title 23, United States Code, shall be reduced by the amount made available under section 5(a)(2) of STEA.

(C) PARKWAYS AND PARK ROADS.—The amount made available for parkways and park roads under section 204 of title 23, United States Code, shall be reduced by the amount made available under section 5(a)(3) of STEA.

(11) RECREATIONAL TRAILS PROGRAM.—The amount made available for the recreational trails program under section 206 of title 23, United States Code, shall be reduced by the amount made available under section 5(b) of STEA.

(12) HIGHWAY USE TAX EVASION PROJECTS.—The amount made available for highway use tax evasion projects under section 143 of title 23, United States Code, shall be reduced by the amount made available under section 5(c)(1) of STEA.

(13) NATIONAL SCENIC BYWAYS PROGRAM.—The amount made available for the national scenic byways program under section 165 of title 23, United States Code, shall be reduced by the amount made available under section 5(c)(2) of STEA.

(14) INTELLIGENT TRANSPORTATION SYSTEMS.—The amount made available for intelligent transportation systems under subchapter II of chapter 5 of title 23, United States Code, shall be reduced by the amount made available under by section 5(d) of STEA.

(15) SURFACE TRANSPORTATION RESEARCH.—

(A) OPERATION LIFESAVER.—The amount made available for operation lifesaver under section 104(d)(1) of title 23, United States

Code, shall be reduced by the amount made available under section 5(e)(1) of STEA.

(B) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—The amount made available for the Dwight David Eisenhower Transportation Fellowship Program under section 506(c) of title 23, United States Code, shall be reduced by the amount made available under section 5(e)(2) of STEA.

(C) NATIONAL HIGHWAY INSTITUTE.—The amount made available for the National Highway Institute under section 506(b) of title 23, United States Code, shall be reduced by the amount made available under section 5(e)(3) of STEA.

(16) EDUCATION AND TRAINING.—The amount made available for education and training under section 506(a) of title 23, United States Code, shall be reduced by the amount made available under section 5(e)(4) of STEA.

(17) TERRITORIES.—The amount made available for the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands under section 104(b)(1)(C)(i) of title 23, United States Code, shall be reduced by the amount made available under section 5(g) of STEA.

KERRY AMENDMENT NOS. 1719-1720

Mr. BAUCUS (for Mr. KERRY) proposed two amendments to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT No. 1719

On page 385, strike lines 13 and 14 and insert the following:

“creasing the number and severity of collisions;

“(14) to encourage the use of intelligent transportation systems to promote the achievement of national transportation safety goals, including safety at at-grade railway-highway crossings; and

“(15) to accommodate the needs of all users of”.

AMENDMENT No. 1720

On page 371, strike lines 6 and 7 and insert the following:

“in highway bridges and structures;

“(5) the development of cost-effective and innovative techniques to separate vehicle and pedestrian traffic from railroad traffic and

“(6) the development of highway bridges and”.

WELLSTONE AMENDMENT NO. 1721

Mr. BAUCUS (for Mr. WELLSTONE) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Beginning on page 265, strike line 15 and all that follows through page 266, line 1 and insert the following:

“(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—

“(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law;

“(ii) there is a transportation improvement program for the area that has been approved by the metropolitan planning organization and the Governor;

“(iii) the public has been given adequate opportunity during the certification process to comment on—

“(I) the public participation process conducted by the metropolitan planning organization; and

“(II) the extent to which the transportation improvement program for the metro-

politan area takes into account the needs of the entire metropolitan area, including the needs of low and moderate income residents, and the requirement of Title VI of the Civil Rights Act; and

“(iv) public comments are—

“(I) included in the documentation supporting the metropolitan planning organization's request for certification; and

“(II) made publicly available.

“(C) EFFECT OF FAILURE TO CERTIFY.—

DOMENICI AMENDMENT NO. 1722

Mr. CHAFEE (for Mr. DOMENICI) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 98, line 13, insert “, and is projected to grow in the future,” after “103-182”.

On page 98, line 17, insert “, and is projected to grow,” after “grown”.

CHAFEE AMENDMENT NO. 1723

Mr. CHAFEE proposed an amendment to amendment No. 1676 proposed by him to the bill, S. 1173, supra; as follows:

On page 5, strike lines 15 through 20 and insert the following:

title \$11,977,000,000 for fiscal year 1998,
\$11,949,000,000 for fiscal year 1999,
\$11,922,000,000 for fiscal year 2000,
\$11,950,000,000 for fiscal year 2001,
\$12,242,000,000 for fiscal year 2002, and
\$12,659,000,000 for fiscal year 2003, of which—

On page 7, strike lines 16 through 20.

On page 8, line 20, after “139(a)”, insert the following: “(as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”.

On page 9, line 16, after “139(a)”, insert the following: “(as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”.

On page 10, line 9, insert “and for the purposes specified in subparagraph (A),” before “in the ratio”.

On page 43, line 12, strike “and”.

On page 43, between lines 12 and 13, insert the following:

“(xi) amounts set aside under section 104(d) for operation lifesaver and railway-highway crossing hazard elimination in high speed rail corridors; and

On page 43, line 13, strike “(xi)” and insert “(xii)”.

On page 44, strike line 6 and insert the following:

(e) LIMITATIONS ON OBLIGATIONS FOR ADMINISTRATIVE EXPENSES.—Notwithstanding any other provision of law, the total amount of all obligations under section 104(a) of title 23, United States Code, shall not exceed—

- (1) \$301,725,000 for fiscal year 1999;
- (2) \$302,055,000 for fiscal year 2000;
- (3) \$303,480,000 for fiscal year 2001;
- (4) \$310,470,000 for fiscal year 2002; and
- (5) \$320,595,000 for fiscal year 2003.

(f) APPLICABILITY OF OBLIGATION LIMITATIONS.—

On page 85, line 10, strike “sections 103 and” and insert “section”.

Beginning on page 91, strike line 24 and all that follows through page 92, line 4.

On page 92, line 5, strike “(2)” and insert “(1)”.

On page 92, line 11, strike “(3)” and insert “(2)”.

On page 92, line 17, strike “(4)” and insert “(3)”.

On page 93, line 3, strike “(5)” and insert “(4)”.

On page 93, line 6, strike “(6)” and insert “(5)”.

On page 130, line 6, insert "and classified under section 181(a) or 186(a) of the Clean Air Act (42 U.S.C. 7511(a), 7512(a))" before "or classified as".

On page 159, line 21, strike "selection" and insert "bidding".

On page 159, line 22, before the period, insert the following: "in accordance with subparagraph (C)".

On page 160, line 16, strike the quotation marks and the following period.

On page 160, between lines 16 and 17, insert the following:

"(C) PROCEDURES THAT MAY BE APPROVED.—Under subparagraph (A), the Secretary may approve, for use by a State, only procedures that consist of—

"(i) formal design-build contracting procedures specified in a State statute; or

"(ii) in the case of a State that does not have a statute described in clause (i), the design-build selection procedures authorized under section 303M of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253m)."

On page 161, line 14, strike "selection" and insert "competitive bidding".

On page 219, line 13, strike "authorized to be appropriated" and insert "made available".

On page 250, between lines 18 and 19, insert the following:

"(6) CONTINUING DESIGNATION.—A designation of a metropolitan planning organization under this subsection or any other provision of law shall remain in effect until the metropolitan planning organization is redesignated under paragraph (2).

On page 290, line 24, strike "agencies" and insert "departments".

On page 294, lines 12 and 13, strike "paragraphs (1) and (3) of section 104(b)" and insert "section 104(b)(1)".

On page 340, line 8, strike "subsection" and insert "section".

On page 343, line 4, strike "subsection" and insert "section".

On page 403, strike lines 11 through 13 and insert the following:

"(B) electronic processing of registration information, driver licensing information, fuel tax information, inspection and crash data, and other safety information; and

On page 413, line 1, strike "that" and insert "only if the technologies".

On page 415, line 14, strike "\$110,000,000" and insert "\$109,000,000".

DEWINE (AND OTHERS) AMENDMENT NO. 1724

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. WARNER, Mr. CHAFEE, Mr. LAUTENBERG, Mr. DORGAN, Mrs. MURRAY, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

Beginning on page 225, strike line 12 and all that follows through page 227, line 13, and insert the following:

"(5) REPEAT INTOXICATED DRIVER LAW.—The term 'repeat intoxicated driver law' means a State law that provides, as a minimum penalty, that an individual convicted of a second or subsequent offense for driving while intoxicated or driving under the influence after a previous conviction for that offense shall—

"(A) receive a driver's license suspension for not less than 1 year;

"(B) be subject to the impoundment or immobilization of each of the individual's motor vehicles or the installation of an igni-

tion interlock system on each of the motor vehicles;

"(C) receive an assessment of the individual's degree of abuse of alcohol and treatment as appropriate; and

"(D) receive—

"(i) in the case of the second offense—

"(I) an assignment of not less than 30 days of community service; or

"(II) not less than 5 days of imprisonment; and

"(ii) in the case of the third or subsequent offense—

"(I) an assignment of not less than 60 days of community service; or

"(II) not less than 10 days of imprisonment.

"(b) TRANSFER OF FUNDS.—

"(1) FISCAL YEARS 2001 AND 2002.—

"(A) IN GENERAL.—On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 1½ percent of the funds apportioned to the State on that date under paragraphs (1) and (3) of section 104(b) to the apportionment of the State under section 402—

"(i) to be used for alcohol-impaired driving countermeasures; or

"(ii) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

"(B) DERIVATION OF AMOUNT TO BE TRANSFERRED.—An amount transferred under subparagraph (A) may be derived—

"(i) from the apportionment of the State under section 104(b)(1);

"(ii) from the apportionment of the State under section 104(b)(3); or

"(iii) partially from the apportionment of the State under section 104(b)(1) and partially from the apportionment of the State under section 104(b)(3).

"(2) FISCAL YEAR 2003 AND FISCAL YEARS THEREAFTER.—

"(A) IN GENERAL.—On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer 3 percent of the funds apportioned to the State on that date under each of paragraphs (1) and (3) of section 104(b) to the apportionment of the State under section 402—

"(i) to be used for alcohol-impaired driving countermeasures; or

"(ii) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

"(B) DERIVATION OF AMOUNT TO BE TRANSFERRED.—An amount transferred under subparagraph (A) may be derived—

"(i) from the apportionment of the State under section 104(b)(1);

"(ii) from the apportionment of the State under section 104(b)(3); or

"(iii) partially from the apportionment of the State under section 104(b)(1) and partially from the apportionment of the State under section 104(b)(3).

CHAFEE AMENDMENT NO. 1725

Mr. CHAFEE proposed an amendment to amendment No. 1676 proposed

by him to the bill, S. 1173, supra; as follows:

On page 8, lines 5 and 6, strike "National Highway System" and insert "Interstate and National Highway System program".

On page 50, line 2, strike "to the pay" and insert "to pay".

On page 62, line 14, strike "wildernessK" and insert "wilderness".

On page 91, strike lines 3 and 4 and insert the following:

able for use in a national park by this paragraph.

"(d) RIGHTS-OF-WAY ACROSS FEDERAL LAND.—

On page 170, line 3, strike "(2)" and insert "(3)".

On page 170, line 9, strike "(3)" and insert "(4)".

On page 301, line 11, strike "program".

On page 303, between lines 21 and 22, insert the following:

(1) PUBLIC TRANSPORTATION.—Section 142(a)(2) of title 23, United States Code, is amended by striking "the the" and inserting "the".

On page 303, line 22, strike "(1)" and insert "(m)".

On page 304, line 5, strike "(m)" and insert "(n)".

On page 304, line 13, strike "(n)" and insert "(o)".

On page 304, line 17, strike "(o)" and insert "(p)".

On page 357, line 1, strike "SET ASIDE" and insert "SET-ASIDE".

MCCAIN (AND OTHERS) AMENDMENT NO. 1726

(Ordered to lie on the table.)

Mr. MCCAIN (for himself, Mr. MACK, Mr. GRAHAM, Mr. BROWNBAC, and Mr. THURMOND) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 41, line 11, insert "(excluding demonstration projects)" after "programs".

On page 41, line 16, insert "(excluding demonstration projects)" after "programs".

On page 44, strike line 5 and insert the following:

date of enactment of this subparagraph).

"(3) DEMONSTRATION PROJECTS.—

"(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Notwithstanding any other provision of law, a demonstration project shall be subject to any limitation on obligations established by law that applies to Federal-aid highways and highway safety construction programs.

"(B) MAXIMUM OBLIGATION LEVEL.—For each fiscal year, a State may obligate for demonstration projects an amount of the obligation authority for Federal-aid highways and highway safety construction programs made available to the State for the fiscal year that is not more than the product obtained by multiplying—

"(i) the total of the sums made available for demonstration projects in the State for the fiscal year; by

"(ii) the ratio that—

"(I) the total amount of the obligation authority for Federal-aid highways and highway safety construction programs (including demonstration projects) made available to the State for the fiscal year; bears to

"(II) the total of the sums made available for Federal-aid highways and highway safety construction programs (including demonstration projects) that are apportioned or allocated to the State for the fiscal year.

“(4) DEFINITION OF DEMONSTRATION PROJECT.—In this subsection, the term ‘demonstration project’ means a demonstration project or similar project (including any project similar to a project authorized under any of sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027)) that is funded from the Highway Trust Fund (other than the Mass Transit Account) and authorized under—

“(A) the Intermodal Surface Transportation Efficiency Act of 1997; or

“(B) any law enacted after the date of enactment of that Act.”.

SNOWE AMENDMENTS NOS. 1727–1729

(Ordered to lie on the table.)

Ms. SNOWE submitted three amendments intended to be proposed by her to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, *supra*; as follows:

AMENDMENT No. 1727

On page 309, strike line 3 and insert the following: designated Route.

SEC. 18 . VEHICLE WEIGHT LIMITATIONS ON CERTAIN PORTIONS OF INTERSTATE SYSTEM.

Section 127(a) of title 23, United States Code, is amended by adding at the end the following: “With respect to Interstate Route 95 in the State of New Hampshire, State laws (including regulations) concerning vehicle weight limitations that were in effect on January 1, 1987, and are applicable to State highways other than the Interstate System, shall be applicable in lieu of the requirements of this subsection. With respect to that portion of the Maine Turnpike designated Interstate Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations) of the State of Maine concerning vehicle weight limitations that were in effect on October 1, 1995, and are applicable to State highways other than the Interstate System, shall be applicable in lieu of the requirements of this subsection.”.

AMENDMENT No. 1728

On page 309, between lines 3 and 4, insert the following:

SEC. 18 . FUNDING TRANSFER.

The Intermodal Surface Transportation Efficiency Act of 1991 is amended—

(1) in the table contained in section 1103(b) (105 Stat. 2027), in item 9, by striking “32.1” and inserting “25.1”; and

(2) in the table contained in section 1104(b) (105 Stat. 2029)—

(A) in item 27, by striking “10.5” and inserting “12.5”; and

(B) in item 44, by striking “10.0” and inserting “15.0”.

AMENDMENT No. 1729

SEC. . NHTSA ACCIDENT PREVENTION EDUCATION EFFORT.

Section 402(a) of title 23, United States Code, is amended by striking “(4) to reduce deaths” and inserting “(4) to prevent accidents and reduce deaths”.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON THE JUDICIARY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized

to meet during the session of the Senate on Friday, March 6, 1998, at 9:30 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on “S. 1530, the Protection Act: Civil Liability Provisions.”

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

ADDITIONAL STATEMENTS

HEALTH CARE QUEST ACT

• Mr. LIEBERMAN. Mr. President, I am pleased to join with Senator JEFFORDS to announce the introduction of the Health Care Quest Act. Last year, he and I worked together on a bill to improve the quality of health care purchased by the federal government for Medicare, Medicaid, TRICARE, and VA beneficiaries. The Health Care Quest Act extends our effort to improve health care quality to the more than 100 million beneficiaries in private sector plans.

For millions of these individuals, passage of the bill will bring for the first time rights for external appeals when their plan denies payment for medical treatments. The appeals process will be available to any person who thinks they were wrongly denied coverage, and gives them the right of appeal to an impartial body outside the health plan with a decision guaranteed on a timely basis. A timely decision is crucial to a sick person or parent of a child with an illness and this bill sets out very specific timeliness the health plan must meet for the appeal.

The bill guarantees reimbursement for people who go to the emergency room thinking they are sick. Without enactment, a father who goes to the emergency room because he thinks that he is having a heart attack could be left with thousands of dollars of bills. I think that we can rely on the wisdom of people to decide when they need to go to the hospital. a person with a medical emergency should not have to wait to be buzzed in to the emergency room by a managed care bureaucrat hundreds of miles away. Medical care is more serious than admitting visitors to an apartment building.

Patients should expect physicians to recommend the best treatment options and serve as their advocates. Protections from so-called “gag clauses” were included in last year’s Balance Budget Act for Medicare beneficiaries. We are extending these protections to beneficiaries of private sector plans.

One distinctive feature of the Health Care Quest Act is its focus on empowering purchasers, providers, and consumers with useful information about their health care. At the center of this effort is a new health care quality advisory body to follow up on the good work conducted by the President’s Advisory Commission. The Health Quality Council will continuously update and expand the comparative measures of quality available to drive competition

based on value. If the new grievance process in the bill provides a floor under quality, the new information requirements point consumers toward the best care available.

I would like to end with a comment on the need for quality legislation. A recent poll by the Kaiser Family Foundation and Harvard University found that close to half of Americans—48 percent—report they personally, or someone they know, have experienced problems such as lack of information, problems with access to specialists, disputes over emergency room coverage, or no recourse to external grievance procedure.

Low-quality health care’s tragic result is sobering, 34.7% children in HMO’s not immunized in 1996. 1,600 unnecessary cardiac deaths occurred among 57 million HMO enrollees because a common treatment for heart attacks (beta-blockers) was not used appropriately. 1,200 breast cancers undetected resulting in 1,800 years of life that could have been saved.

Quality is often an issue of where you get your care with wide variations at sites within easy driving distance of each other. One of the premier hospitals in Connecticut, Yale-Haven, discharges over 92% of its heart attack victims alive—despite taking sicker patients with more health problems. Other hospitals within a thirty-minute drive have survival rates as much as 10 percent lower. Yet few patients know their choice of destination may be a life-and-death decision.

The Health Care Quest Act attacks these deadly problems. After it is enacted, a Connecticut resident with an emergency can go to a hospital armed with information, and once there expect their care to be covered by their insurer. If they have a problem they will be get an appeal. And each day they are healthy, a Health Quality Council will be working to make sure the best possible health system is there when they need it.●

UNANIMOUS-CONSENT AGREEMENT—S. 1668

Mr. LOTT. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, may proceed to the consideration of S. 1668, relating to disclosure of certain classified information. I further ask unanimous consent that there be 20 minutes for debate on the bill, equally divided between the chairman and ranking member. I ask unanimous consent that no amendments or motions be in order to the bill and, at the conclusion or yielding back of debate time, the bill be read the third time and set aside. I finally ask unanimous consent that a vote on passage of S. 1668 occur at a time to be determined by the majority leader, after consultation with the Democratic leader.

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