

Plans; Indiana" (FRL#7611-5) received on January 27, 2004; to the Committee on Environment and Public Works.

EC-6139. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision; 1-Hour Ozone Control Programs" (FRL#7610-7) received on January 27, 2004; to the Committee on Environment and Public Works.

EC-6140. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2004" (FRL#7615-4) received on January 27, 2004; to the Committee on Environment and Public Works.

EC-6141. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Water Quality Standards for Puerto Rico" (FRL#7613-2) received on January 27, 2004; to the Committee on Environment and Public Works.

EC-6142. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to new mileage reimbursement rates for Federal employees who use privately owned vehicles while on official travel; to the Committee on Environment and Public Works.

EC-6143. A communication from the Ambassador, Embassy of Turkey, transmitting, a letter from the Speaker of the Turkish Grand Assembly relative to Senate Resolution 273; to the Committee on Foreign Relations.

EC-6144. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, a report relative to the emigration laws and policies of Armenia, Azerbaijan, Kazakhstan, Moldova, The Russian Federation, Tajikistan, Ukraine, and Uzbekistan; to the Committee on Foreign Relations.

EC-6145. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, the report of texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-6146. A communication from the Chief of Staff, Federal Mediation and Conciliation Service, transmitting, pursuant to law, the Service's report under the Federal Managers' Financial Integrity Act for Fiscal Year 2003; to the Committee on Governmental Affairs.

EC-6147. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC-6148. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Final Regulations Redesignating 5 CFR Part 970 as Part 919" received on January 20, 2004; to the Committee on Governmental Affairs.

EC-6149. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of the Office of Inspector General for the Department of Agriculture for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC-6150. A communication from the General Counsel, General Accounting Office, transmitting, pursuant to law, a report responding to the requirements of the Com-

petition in Contracting Act of 1984; to the Committee on Governmental Affairs.

EC-6151. A communication from the Director, Trade and Development Agency, transmitting, pursuant to law, the Agency's annual financial audit and related documents; to the Committee on Governmental Affairs.

EC-6152. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for Calendar Year 2003; to the Committee on Governmental Affairs.

EC-6153. A communication from the Special Counsel, Planning and Advice Division, Office of Special Counsel, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment: Correction of Statutory Citation" received on January 27, 2004; to the Committee on Governmental Affairs.

EC-6154. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15-291, "Technical Amendments of Act of 2003"; to the Committee on Governmental Affairs.

EC-6155. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Office of Inspector General for the Department of Education for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC-6156. A communication from the Acting Director, Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 2003; to the Committee on Governmental Affairs.

EC-6157. A communication from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the report of the Office of Inspector General for the period from April 1, 2003 through October 31, 2003; to the Committee on Governmental Affairs.

EC-6158. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending September 30, 2003; to the Committee on Governmental Affairs.

EC-6159. A communication from the Chairman, National Mediation Board, transmitting, pursuant to law, a report relative to the Federal Managers' Financial Integrity Act of 1982; to the Committee on Governmental Affairs.

EC-6160. A communication from the Chairperson, Board of Directors, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a letter from the Corporation relative to H.R. 3108, the Pension Funding Equity Act; to the Committee on Health, Education, Labor, and Pensions.

EC-6161. A communication from the Railroad Retirement Board, transmitting, pursuant to law, a copy of the Board's Performance and Accountability Report for Fiscal Year 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-6162. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Centers for Disease Control and Prevention's final report to Congress on Human Papillomavirus; to the Committee on Health, Education, Labor, and Pensions.

EC-6163. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Year 2003 Inventories of Commercial and Inherently Governmental Activities; to the Committee on Health, Education, Labor, and Pensions.

EC-6164. A communication from the Director, Corporate Policy and Research Depart-

ment, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on January 20, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-6165. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Valuation of Assets; Expected Retirement Age" received on January 20, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-6166. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Disclosure to Participants; Benefits Payable in Terminated Single-Employer Plans" received on January 20, 2004; to the Committee on Health, Education, Labor, and Pensions.

### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

\*Lawrence T. Di Rita, of Michigan, to be an Assistant Secretary of Defense.

\*Francis J. Harvey, of California, to be an Assistant Secretary of Defense.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Col. George T. Lynn.

Air Force nomination of Vincent T. Jones.

Air Force nomination of Richard H. Villa.

Air Force nominations beginning Robert J. Bernard and ending Oba L. Vincent, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2004.

Air Force nomination of Harris H. Brooks.

Air Force nominations beginning Paula C. Gould and ending John J. Winkopp III, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2004.

Air Force nominations beginning Jeffrey S. Alderfer and ending Sandra L. Yope, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2004.

Air Force nominations beginning Brigadier General Richard W. Ash and ending Colonel Raymond L. Webster, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2004.

Air Force nominations beginning Brigadier General Robert E. Duignan and ending Colonel Michael N. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2004.

Army nominations beginning Brigadier General Lloyd J. Austin III and ending Brigadier General Barbara G. Fast, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2003.

Army nominations beginning Constance A. Bell and ending Yang Xia, which nominations were received by the Senate and appeared in the Congressional Record on November 25, 2003.

Army nominations beginning Brig. Gen. Conrad W. Ponder, Jr. and ending Col. George J. Smith, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2004.

Army nomination of Margot Krauss.

Army nominations beginning Mark S. Ackerman and ending Richard M. Whitaker, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2004.

Army nomination of Timothy G. Wright.

Army nominations beginning Ida F. Agamy and ending Kary B. Reed, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2004.

Army nomination of David J. King, Jr.

Army nominations beginning Michael G. Gray and ending Paul M. Saltysiak, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2004.

Army nominations beginning Terry R. Moren and ending Christopher Wodarz, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2004.

Army nomination of Amy E. Preen.

Navy nomination of Rear Adm. (Selectee) Albert M. Calland III.

Navy nomination of Rear Adm. James D. McArthur, Jr.

Navy nomination of Todd E. Bailey.

Navy nominations beginning Jennifer R. Flather and ending Marie E. Oliver, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2004.

Navy nominations beginning Wing Leong and ending Timothy R. White, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2004.

Navy nominations beginning Jonathan Q. Adams and ending Stacey W. Yopp, which nominations were received by the Senate and appeared in the Congressional Record on January 22, 2004.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2265. Mr. BOND (for himself, Mr. INHOFE, Mr. JEFFORDS, and Mr. REID) proposed an amendment to the bill S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

SA 2266. Mr. GREGG proposed an amendment to amendment SA 2265 proposed by Mr. BOND (for himself, Mr. INHOFE, Mr. JEFFORDS, and Mr. REID) to the bill S. 1072, supra.

SA 2267. Mr. DORGAN proposed an amendment to the bill S. 1072, supra.

SA 2268. Mr. GREGG proposed an amendment to amendment SA 2267 proposed by Mr. DORGAN to the bill S. 1072, supra.

#### TEXT OF AMENDMENTS

**SA 2265.** Mr. BOND (for himself, Mr. INHOFE, Mr. JEFFORDS, and Mr. REID) proposed an amendment to the bill S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; as follows:

On page 656, line 14, strike "movements" and insert "improvements".

On page 657, lines 18 and 19, strike "that is a public road".

On page 664, lines 18 and 19, strike "State transportation department under section 106" and insert "recipient of funds under this title".

On page 668, line 22, strike "Conduct of scenic" and insert "Scenic".

On page 680, strike lines 5 through 9 and insert the following:

"(1) SET-ASIDE.—On October 1 of each fiscal year, the Secretary shall set aside 1.5 percent of the funds authorized to be appropriated for the Interstate maintenance, national highway system, surface transportation, congestion mitigation and air quality improvement, highway safety improvement, and highway bridge programs authorized under this title to carry out the requirements of section 134."

On page 685, line 2, strike "replacement and rehabilitation".

On page 685, line 16, strike "1101(a)(14)" and insert "1101(13)".

On page 686, line 24, strike "1101(a)(14)" and insert "1101(13)".

On page 693, line 16, strike "in recommended alternatives" and insert "associated with the future development of the surface transportation system".

On page 693, lines 20 and 21, strike "system operations and management" and insert "transportation systems operations and management".

On page 702, line 10, insert "except as otherwise provided in section 120," before "the Federal share".

On page 702, line 22, strike "Federal-aid system" and insert "those qualifying".

On page 703, line 18, strike "The Federal share" and insert "Except as provided in section 120, the Federal share".

Beginning on page 705, strike line 15 and all that follows through page 706, line 23, and insert the following:

Section 120 of title 23, United States Code, is amended—

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

"(a) INTERSTATE SYSTEM PROJECTS.—Except as otherwise provided in this chapter, the Federal share payable on account of any project on the Interstate System (including a project to add high occupancy vehicle lanes and a project to add auxiliary lanes but excluding a project to add any other lanes) shall be 90 percent of the total cost of the project."

(2) in subsection (b), by striking "shall be—" and all that follows and inserting "shall be 80 percent of the cost of the project."; and

(3) by striking subsection (d) and inserting the following:

"(d) INCREASED FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share payable under subsection (a) or (b) may be increased for projects and activities in each State in which is located—

"(A) nontaxable Indian land;

"(B) public land (reserved or unreserved);

"(C) a national forest; or

"(D) a national park or monument.

"(2) AMOUNT.—

"(A) IN GENERAL.—The Federal share for States described in paragraph (1) shall be increased by a percentage of the remaining cost that—

"(i) is equal to the percentage that—

"(I) the area of all land described in paragraph (1) in a State; bears to

"(II) the total area of the State; but

"(ii) does not exceed 95 percent of the total cost of the project or activity for which the Federal share is provided.

"(B) ADJUSTMENT.—The Secretary shall adjust the Federal share for States under subparagraph (A) as the Secretary determines necessary, on the basis of data provided by the Federal agencies that are responsible for maintaining the data."

On page 718, strike lines 1 through 9 and insert the following:

"(2) ADMINISTRATIVE COSTS.—Of amounts made available under paragraph (1), the Secretary may use for the administration of this subchapter not more than \$2,000,000 for each of fiscal years 2004 through 2009.

"(3) COLLECTED FEES AND SERVICES.—In addition to funds provided under paragraph (2)—

"(A) all fees collected under this subchapter shall be made available without further appropriation to the Secretary until expended, for use in administering this subchapter; and

"(B) the Secretary may accept and use payment or services provided by transaction participants, or third parties that are paid by participants from transaction proceeds, for due diligence, legal, financial, or technical services.

On page 729, lines 21 and 22, strike "Administrator of General Services" and insert "Archivist of the United States".

On page 734, line 12, strike "organizations," and insert "organizations and metropolitan planning organizations."

On page 734, line 15, insert "State and" before "local".

On page 736, lines 4 and 5, strike "receive funds under this section" and insert "obligate funds apportioned under section 104(b)(5) to carry out this section".

On page 738, line 2, strike "and pedestrians" and insert "pedestrians, and other highway users".

On page 738, line 24, strike "this section" and insert "section 104(b)(5)".

On page 740, lines 21 through 25, strike "accidents" each place it appears and insert "crashes".

On page 741, line 5, strike "The Federal share" and insert "Except as provided in sections 120 and 130, the Federal share".

On page 741, strike line 7 and insert the following:

made available under this section shall be 90 percent.

"(h) FUNDS FOR BICYCLE AND PEDESTRIAN SAFETY.—A State shall allocate for bicycle and pedestrian improvements in the State a percentage of the funds remaining after implementation of sections 130(e) and 150, in an amount that is equal to or greater than the percentage of all fatal crashes in the States involving bicyclists and pedestrians."

Beginning on page 741, strike line 24 and all that follows through page 742, line 6, and insert the following:

(ii) in subparagraph (B), by striking "tobe" and inserting "to be";

(iii) by striking subparagraph (C);

(iv) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(v) in subparagraph (C) (as redesignated by clause (iv)), by adding at period at the end.

On page 742, between lines 9 and 10, insert the following: