

On page 1291, strike lines 12 through 16 and insert the following:

- (1) For fiscal year 2005, \$7,646,336,000.
- (2) For fiscal year 2006, \$8,900,000,000.
- (3) For fiscal year 2007, \$9,267,464,000.
- (4) For fiscal year 2008, \$10,050,700,000.
- (5) For fiscal year 2009, \$10,686,500,000.

**SA 738.** Mr. KYL submitted an amendment intended to be proposed to amendment SA 605 proposed by Mr. INHOFE to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Insert new section:

**“SEC. 7130. TECHNICAL CORRECTION OF RIGHTS AND REMEDIES PROVISIONS.**

(a) Section 14704 (Rights and remedies of persons injured by carriers or brokers) is amended as follows:

(1) In subsection (a)—

(A) by striking ‘IN GENERAL’ and all that follows through ‘injured’ and substituting ‘ENFORCEMENT OF ORDER-A person injured’; and

(B) by redesignating paragraph (2) as subsection (b)(2);

(2) In subsection (b), by striking ‘Liability and damages’ and all that follows through ‘A carrier’ and substituting ‘LIABILITY AND DAMAGES-(1) A carrier’; and

(3) In subsection (d)(1), by striking ‘under subsection (b)’ and substituting ‘under subsection (c)(2)(B)’.

(b) Section 14705 (Limitations on actions by and against carriers) is amended as follows:

(1) In subsection (c), by striking ‘file’ and all that follows through ‘section 14704(b)’ and substituting ‘begin a civil action to recover damages under section 14704(b)(2)’; and

(2) In subsection (d), by striking ‘under subsections (b) and (c) of this section’ and substituting ‘under subsection (b) of this section’.

This section shall apply to all civil actions pending or commenced in any court on or after its date of enactment.”

**SA 739.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 605 proposed by Mr. INHOFE to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On Page 69, Line 15, add a new subsection 6009(h).

(h) CONTRACTED PARATRANSIT PILOT.—

(1) IN GENERAL.—Notwithstanding section 5302(a)(1)(I) of title 49, United States Code, for fiscal years 2005 through 2009, a recipient of assistance under section 5307 of title 49, United States Code, in an urbanized area with a population of 558,329 according to the 2000 decennial census of population may use not more than 20 percent of such recipient’s annual formula apportionment under section 5307 of title 49, United States Code, for the provision of nonfixed route paratransit services in accordance with section 223 of the Americans with Disabilities Act (42 U.S.C. 12143), but only if the grant recipient is in compliance with applicable requirements of that Act, including both fixed route and demand responsive service and the service is acquired by contract.

(2) REPORT.—Not later than January 1, 2009, the Secretary shall submit to the Committee on Transportation and Infrastructure

of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, a report on the implementation of this subsection and any recommendations of the Secretary regarding the application of this section

**SA 740.** Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 605 proposed by Mr. INHOFE to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table as follows:

On page 1291, strike lines 12 through 16 and insert the following:

- (1) For fiscal year 2005, \$7,646,336,000.
- (2) For fiscal year 2006, \$8,900,000,000.
- (3) For fiscal year 2007, \$9,267,464,000.
- (4) For fiscal year 2008, \$10,050,700,000.
- (5) For fiscal year 2009, \$10,686,500,000.

**SA 741.** Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 605 proposed by Mr. INHOFE to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table as follows:

On page 872, strike line 24, and insert the following:

tives.

“(e) STUDY OF METHODS TO IMPROVE ACCESSIBILITY OF PUBLIC TRANSPORTATION FOR PERSONS WITH VISUAL DISABILITIES.—Not later than October 1, 2006, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the effectiveness of alternative methods to improve the accessibility of public transportation for persons with visual disabilities. The report shall evaluate a variety of methods and techniques for improving accessibility, including installation of Remote Infrared Audible Signs for provision of wayfinding and information for people who have visual, cognitive, or learning disabilities.”

**SA 742.** Mr. INHOFE (for Mr. TALENT (for himself and Mr. DODD)) proposed an amendment to amendment SA 605 proposed by Mr. INHOFE to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table as follows:

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

**SEC. 18. NOTICE REGARDING PARTICIPATION OF SMALL BUSINESS CONCERNS.**

The Secretary of Transportation shall notify each State or political subdivision of a State to which the Secretary of Transportation awards a grant or other Federal funds of the criteria for participation by a small business concern in any program or project that is funded, in whole or in part, by the Federal Government under section 155 of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 567g).

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ARMED SERVICES**

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 11, 2005 at 2:30 p.m., in closed session to mark up the National Defense Authorization Act for fiscal year 2006.

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

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 11, 2005, at 10 a.m., on Spyware.

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

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 11, 2005 at 10 a.m.

The purpose of the hearing is to receive testimony on S. 895 a bill to direct the Secretary of the Interior to establish a rural water supply program in the reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.

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

**COMMITTEE ON FOREIGN RELATIONS**

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 11, 2005 at 2:30 p.m., to hold a hearing on U.S.-E.U. Regulatory Cooperation on Emerging Technologies.

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

**COMMITTEE ON INDIAN AFFAIRS**

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, May 11, 2005, at 9:30 a.m. in room 106 of the Dirksen Senate Office Building to conduct an oversight hearing on Federal Recognition of Indian Tribes.

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

**COMMITTEE ON THE JUDICIARY**

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, May 11, 2005, at 9:30 a.m., in SD226.

**Agenda**

**I. Bills**

S. 852, A bill to Create a Fair and Efficient System to Resolve Claims of Victims for Bodily Injury Caused by Asbestos Exposure, and for Other Purposes. [Specter, Leahy, Hatch, Feinstein, Grassley, DeWine.]

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 11, 2005, at 2:30 p.m. to hold a hearing.

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

SUBCOMMITTEE ON BIOTERRORISM  
PREPAREDNESS AND PUBLIC HEALTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Bioterrorism Preparedness and Public Health, be authorized to hold a hearing during the session of the Senate on Wednesday, May 11, 2005, at 2 p.m. in SD-430.

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

SUBCOMMITTEE ON PERSONNEL

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Personnel be authorized to meet during the session of the Senate on Wednesday, May 11, 2005 at 10 a.m. in closed session to markup the personnel programs and provisions contained in the National Defense Authorization Act for fiscal year 2006.

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on Wednesday, May 11, 2005 at 2 p.m.

The purpose of the hearing is to receive testimony on S. 100, to authorize the exchange of certain land in the state of Colorado; S. 235 and H.R. 816, to direct the Secretary of Agriculture to sell certain parcels of federal land in Carson City and Douglas County, NV; S. 404, to make a technical correction relating to the land conveyance authorized by Public Law 108-67; S. 741, to provide for the disposal of certain forest service administrative sites in the State of Oregon, and for other purposes; S. 761, to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes; and H.R. 486, to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, NM, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base.

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

SUBCOMMITTEE ON READINESS AND  
MANAGEMENT SUPPORT

Mr. FRIST. Mr. President, I ask unanimous consent that the Sub-

committee on Readiness and Management Support be authorized to meet during the session of the Senate on Wednesday, May 11, 2005 at 11:30 a.m. in closed session to mark up the readiness and management support programs and provisions contained in the National Defense Authorization Act for fiscal year 2006.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet during the session of the Senate on Wednesday, May 11, 2005 at 9 a.m. in closed session to mark up the strategic forces programs and provisions contained in the National Defense Authorization Act for fiscal year 2006.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today's Executive Calendar: No. 76, Maria Cino, to be Deputy Secretary of Transportation. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF TRANSPORTATION

Maria Cino, of Virginia, to be Deputy Secretary of Transportation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MEASURE PLACED ON THE  
CALENDAR—S. 989

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk that is due for a second reading.

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

The assistant legislative clerk read as follows:

A bill (S. 989) to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

Mr. MCCONNELL. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection is heard.

The bill will be placed on the calendar.

ORDERS FOR THURSDAY, MAY 12,  
2005

Mr. MCCONNELL. Mr. President and Members of the Senate, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, Thursday, May 12. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee, the next 30 minutes under the control of the Democratic leader or his designee; provided that following morning business, the Senate resume consideration of H.R. 3, the highway bill, and that there be 60 minutes of debate equally divided between the chairman and ranking member or their designees prior to the vote on invoking cloture on the pending substitute amendment.

I further ask unanimous consent that Senators have until 10:30 a.m. to file second-degree amendments.

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

PROGRAM

Mr. MCCONNELL. Mr. President, tomorrow, following morning business, the Senate will resume consideration of the highway bill. We will then have 60 minutes for debate before the cloture vote on the pending substitute. It is my hope that cloture will be invoked so we can move closer toward completing our work on this important legislation. Following the vote, we will continue working through whatever amendments are left. A number of amendments have indeed been filed, and Senators who wish to offer amendments should contact the managers at once. Senators should expect rollcall votes throughout the day in relation to amendments to the bill.

Again, it is our intention to complete action on this important legislation this week. Senators should expect busy days for the remainder of the week and are certainly asked to plan accordingly.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. MCCONNELL. Therefore, Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate