

the TEA-21 criteria, shall apply to financial assistance made available under this section and projects funded with that assistance.

“(3) FEDERAL SHARE.—

“(A) PHASE I AND PHASE II.—For Phase I—preconstruction planning and Phase II—environmental impact studies carried out under subsections (b) and (c), respectively, the Federal share of the costs of the planning and studies shall be not more than ⅓ of the full cost of the planning and studies.

“(B) PHASE III.—For Phase III—deployment projects carried out under subsection (d), not more than ⅓ of the full capital cost of such a project shall be made available from funds appropriated for this program.

“(4) FUNDING.—

“(A) CONTRACT AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.—

“(i) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for fiscal years 2005 through 2009 to carry out this section—

“(I) \$10,000,000 for Phase I—preconstruction planning studies;

“(II) \$20,000,000 for Phase II—environmental impact studies; and

“(III) \$60,000,000 for Phase III—deployment projects.

“(ii) OBLIGATION AUTHORITY.—Funds authorized by this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter I, except that—

“(I) the Federal share of the cost of the project shall be in accordance with paragraph (2); and

“(II) the availability of the funds shall be in accordance with subsection (f).

“(B) NONCONTRACT AUTHORITY AUTHORIZATION OF APPROPRIATIONS.—

“(i) PHASE I.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out Phase I—preconstruction planning studies under subsection (b)—

“(I) \$6,000,000 for fiscal year 2005; and

“(II) \$2,000,000 for each of fiscal years 2006 through 2009.

“(ii) PHASE II.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out Phase II—environmental impact studies under subsection (c)—

“(I) \$25,000,000 for fiscal year 2005;

“(II) \$37,000,000 for fiscal year 2006;

“(III) \$21,000,000 for fiscal year 2007; and

“(IV) \$9,000,000 for each of fiscal years 2008 and 2009.

“(iii) PHASE III.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out Phase III—deployment projects under subsection (d)—

“(I) \$500,000,000 for fiscal year 2005;

“(II) \$650,000,000 for fiscal year 2006;

“(III) \$850,000,000 for fiscal year 2007;

“(IV) \$850,000,000 for fiscal year 2008; and

“(V) \$600,000,000 for fiscal year 2009.

“(iv) PROGRAM ADMINISTRATION.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out administration of this program—

“(I) \$13,000,000 for fiscal year 2005;

“(II) \$16,000,000 for fiscal year 2006;

“(III) \$8,000,000 for fiscal year 2007; and

“(IV) \$5,000,000 for each of fiscal years 2008 and 2009.

“(v) RESEARCH AND DEVELOPMENT.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out research and development activities to reduce MAGLEV deployment costs \$4,000,000 for each of fiscal years 2005 through 2009.

“(f) AVAILABILITY OF FUNDS.—Funds made available under subsection (e) shall remain available until expended.

“(g) OTHER FEDERAL FUNDS.—Funds made available to a State to carry out the surface transportation program under section 133 and the congestion mitigation and air quality improvement programs under section 149 may be used by any State to pay a portion of the full project costs of an eligible project selected under this section, without requirement for non-Federal funds.

“(h) OTHER FEDERAL FUNDS.—A project selected for funding under this section shall be eligible for other forms of financial assistance provided by this title and title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.), including loans, loan guarantees, and lines of credit.

“(i) MANDATORY ADDITIONAL SELECTION.—

“(1) IN GENERAL.—Subject to paragraph 2, in selecting projects for preconstruction planning, deployment, and financial assistance, the Secretary may only provide funds to MAGLEV projects that meet the criteria established under subsection (b)(4).

“(2) PRIORITY FUNDING.—The Secretary shall give priority funding to a MAGLEV project that—

“(A) has already met the TEA-21 criteria and has received funding prior to the date of enactment of the Safe, Affordable, Flexible, and Efficient Transportation Equity Act of 2005 as a result of evaluation and contracting procedures for MAGLEV transportation, to the extent that the project continues to fulfill the requirements of this section;

“(B) to the maximum extent practicable, has met safety guidelines established by the Secretary to protect the health and safety of the public;

“(C) is based on designs that ensure the greatest life cycle advantages for the project;

“(D) contains domestic content of at least 70 percent; and

“(E) is designed and developed through public/private partnership entities and continues to meet the TEA-21 criteria relating to public/private partnerships.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is amended by striking the item relating to section 322 and inserting the following:

“322. High-speed magnetic levitation system deployment program.”

SA 760. Mr. VOINOVICH (for himself and Mr. DEWINE) 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 566, strike lines 2 through 9 and insert the following:

“(C) blast furnace slag aggregate;

“(D) silica fume;

“(E) foundry sand; and

“(F) any other waste material or byproduct recovered or diverted from solid waste that the Administrator, in consultation with an agency head, determines should be treated as recovered mineral component under this section for use in cement or concrete projects paid for, in whole or in part, by the agency head.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 12, 2005, at 9:30 a.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. INHOFE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 12, 2005, at 10 a.m., on S. 967, Issues Related to the Broadcast of Prepackaged News Stories Produced by the Government Agencies.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 12, 2005, at 10 a.m., to hold a Business Meeting.

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

COMMITTEE ON THE JUDICIARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 12, 2005, at 9:30 a.m., in SD226.

Agenda

I. Nominations: Terrence W. Boyle, II to be U.S. Circuit Judge for the Fourth Circuit; William H. Pryor, Jr. to be U.S. Circuit Judge for the Eleventh Circuit; and Brett M. Kavanaugh to be U.S. Circuit Judge for the District of Columbia.

II. 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, GRAHAM

III. Matters: Senate Judiciary Committee Rules.

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

COMMITTEE ON THE JUDICIARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on “Executive Nominations” on Thursday, May 12, 2005 at 4 p.m. in Dirksen Senate Office Building, Room 226.

Witness List

Panel I: The Honorable THAD COCHRAN, U.S. Senator, R-MS; the Honorable CHUCK GRASSLEY, U.S. Senator, R-IA; and the Honorable MITCH MCCONNELL, U.S. Senator, R-KY.

Panel II: Rachel Beard, to be an Assistant Attorney General; Alice S.

Fisher, to be an Assistant Attorney General; and Regina B. Schofield, to be an Assistant Attorney General.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, May 12, 2005, for a committee hearing titled "An Open Discussion: Planning, Providing and Paying for Veterans' Long Term Care." The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 12, 2005, at 2:30 p.m., to hold a business meeting.

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

SPECIAL COMMITTEE ON AGING

Mr. INHOFE. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet today, Thursday, May 12, 2005, from 3 to 5 p.m., in Hart 216 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, May 12, 2005, at 10:30 a.m., for a hearing entitled "Examining USAID's Anti-Malaria Policies."

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

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Emily Meeker, Rob Grayson, Waylon Mathern, and Jorlie Cruz for the remainder of the consideration of S. 732.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today's Executive Calendar: Calendar No. 59. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, and the President

be immediately notified of the Senate's action.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF DEFENSE

John Paul Woodley, Jr., of Virginia, to be an Assistant Secretary of the Army.

NOMINATIONS DISCHARGED AND PLACED ON THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of the nominations of Thomas Dorr, PN 68 and PN 69, and that the nominations be placed on the calendar, and finally that the Senate then return to legislative session.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

NATIONAL DRUG COURT MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 136, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 136) designating the month of May 2005 as "National Drug Court Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 136) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 136

Whereas drug courts provide the focus and leadership for community-wide, antidrug systems, bringing together public safety professionals and other community partners in the fight against drug abuse and criminality;

Whereas the results of more than 100 program evaluations and at least 3 experimental studies have yielded definitive evidence that drug courts increase treatment retention and reduce substance abuse and crime among drug-involved adult offenders;

Whereas the judges, prosecutors, defense attorneys, substance abuse treatment and rehabilitation professionals, law enforcement and community supervision personnel, researchers and educators, national and community leaders, and others dedicated to the

movement have had a profound impact within their communities; and

Whereas the drug court movement has grown from the 12 original drug courts in 1994 to 1,621 operational drug courts as of December 2004: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of May 2005 as "National Drug Court Month"; and

(2) encourages the people of the United States and interested groups to observe the month with appropriate ceremonies and activities.

NATIONAL CHILD CARE WORTHY WAGE DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 137, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 137) designating May 1, 2005, as "National Child Care Worthy Wage Day."

There being no objection, the Senate proceeded to the consideration of the resolution.

Mr. CORZINE. Mr. President, I rise today, along with Senators LAUTENBERG, BINGAMAN, DODD, DURBIN, FEINGOLD, INOUE, KERRY, BOXER and KENNEDY, to speak about a resolution supporting National Child Care Worthy Wage Day. It is my hope that it will bring attention to early childhood education and the importance of attracting and retaining qualified childcare workers.

Every day, approximately 13 million children are cared for outside the home so that their parents can work. This figure includes 6 million of our Nation's infants and toddlers. Children begin to learn at birth, and the quality of care they receive will affect them for the rest of their lives. Early childcare affects language development, math skills, social behavior, and general readiness for school. Experienced childcare workers can identify children who have development or emotional problems and provide the care they need to take on life's challenges. Through the creative use of play, structured activities and individual attention, childcare workers help young children learn about the world around them and how to interact with others. They also teach the skills children will need to be ready to read and to learn when they go to school.

Unfortunately, despite the importance of their work, the committed individuals who nurture and teach our Nation's young children are undervalued. The average salary of a childcare worker is just under \$18,000 annually. In 1998, the middle 50 percent of child care workers and preschool teachers earned between \$5.82 and \$8.13 an hour, according to the Department of Labor. The lowest 10 percent of childcare workers were paid an hourly rate of \$5.49 or less. Only one third of our Nation's childcare workers have health insurance and even fewer have