Ellenbecker to provide a thorough review of the situation and supply a detailed response to my questions and the issues raised by the constituents. I appreciated his willingness to share insight into issues affecting his department and to coordinate briefings with my staff. Numerous South Dakotans and their families have benefited over the years from our working partnership, and I commend his tireless dedication to his agency and to the people of South Dakota.

I am honored to share Secretary Ellenbecker's accomplishments with my colleagues, and I publicly commend and thank him for his excellent service to South Dakota. I wish Jim the very best, along with his wife Kathy and their two children, Bradley and Ryon.●

MR. PAUL HEMMER

● Mr. BUNNING. Mr. President, I pay tribute and congratulate Mr. Paul Hemmer of Northern Kentucky, who was recently honored with one of the ''Movers and Shakers'' awards for the Greater Cincinnati area. Mr. Hemmer life accomplishments and dedication to the Commonwealth of Kentucky have given me reason to be proud.

Following his graduation from Saint Xavier High School, Mr. Hemmer entered the University of Cincinnati where he later earned his Bachelor of Science in Civil Engineering. He has held a variety of positions within the construction industry including general contracting, development, design/build and plan/spec with experience in the industrial, institutional, commercial, and residential fields. His is currently retired as the chairman of Paul Hemmer Companies.

Throughout his life, Mr. Hemmer has always been active in civic affairs in Northern Kentucky. He has been an integral part of his community serving as director for the Northern Kentucky Chamber of Commerce, a trustee for Thomas More College, a trustee for the Literacy Network of Greater Cincinnati, and the United Way chairman for Northern Kentucky.

The ''Movers and Shakers'' award of Northern Kentucky is an annual award presented to honor those within the Greater Cincinnati region who stand as an example for all. It is presented by the Kentucky Enquirer, the Sales and Marketing Council of Northern Kentucky, The Home Builders Association of Northern Kentucky and The Kentucky Post.

As a Senator from Kentucky, I appreciate the devotion Mr. Hemmer has shown over the years to the citizens of Kentucky. I commend his efforts and hope his example of dedication and hard work will serve as an inspiration to the entire State. ●

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 870. A bill to prohibit energy market manipulation.

S. 871. A bill to amend title 10, United States Code, to ensure that the strength of the Armed Forces and the protections and benefits for members of the Armed Forces and their families are adequate for keeping the commitment of the people of the United States to support their servicemembers, and for other purposes.

S. 872. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

S. 873. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the medicare program.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

S. 874. A bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SARBANES (for himself, Mr. ALEXANDER, Mr. AKAKA, Mrs. BOXER, Mr. CORZINE, Mr. DODD, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Mr. SALAZAR, Mr. SCHUMER, Ms. STABENOW, and Mr. WYDEN):

S. 890. A bill to provide for alternative transportation in certain federally owned or managed areas that are open to the general public; to the Committee on Energy and Natural Resources.

By Mr. HAGEL:

S. 891. A bill to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Florida:

S. 892. A bill to designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the ''Arthur Stacey Mastrapa Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 420

At the request of Mr. KYL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 420, a bill to make the repeal of the estate tax permanent.

S. 577

At the request of Ms. COLLINS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 577, a bill to promote health care coverage for individuals participating in legal recreational activities or legal transportation activities.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SARBANES (for himself, Mr. ALEXANDER, Mr. AKAKA, Mrs. BOXER, Mr. CORZINE, Mr. DODD, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Mr. SALAZAR, Mr. SCHUMER, Ms. STABENOW, and Mr. WYDEN):

S. 890. A bill to provide for alternative transportation in certain federally owned or managed areas that are open to the general public; to the Committee on Energy and Natural Resources.

Mr. SARBANES. Mr. President, today is Earth Day, founded 35 years ago to celebrate our natural world and encourage efforts to protect its future. As part of that effort, I am introducing today legislation similar to measures I have introduced in previous Congresses that will help protect our Nation's natural resources and improve the visitor experience in our national parks and other public lands. The Transit in Parks Act, or TRIP, establishes a new Federal transit grant initiative to support the development of alternative transportation services for our national parks, wildlife refuges, Federal recreational areas, and other public lands. I am pleased to be joined by Senators ALEXANDER, AKAKA, BOXER, CORZINE, DODD, FEINSTEIN, KENNEDY, LAUTENBERG, LEVIN, SALAZAR, SCHUMER, STABENOW, and WYDEN, who are cosponsors of this legislation.

Over the last several years, both the Administration and the Congress have demonstrated support for transit in the parks by including either the TRIP Act or a similar initiative in their proposals for the reauthorization of the Transportation Equity Act for the 21st Century. In fact, the Transit in Parks program was included in the reauthorization bill that passed the Senate by an overwhelming vote during the last Congress. Unfortunately, that legislation was not completed by the House-Senate conference committee before the end of the Congress, and will have to be taken up anew during the current session.

It is in this context that I want to underscore again today some of the principal arguments I have made in past years as to why this legislation is urgently needed. Every year, millions of visitors head to our national parks to enjoy the incredible natural heritage with which our Nation was endowed. But too many of them will spend hours looking for parking, or staring at the bumper of the car in front of them.

Clearly, the world has changed significantly since the national parks first opened in the second half of the nineteenth century, when visitors arrived by stagecoach along dirt roads. At that time, travel through parklands, such as Yosemite or Yellowstone, was long, difficult, and costly. Not many people could afford or endure such a trip. The introduction of the automobile gave every American greater mobility and freedom, which included the freedom to travel and see some of our Nation's great natural

wonders. Early in this century, landscape architects from the National Park Service and highway engineers from the U.S. Bureau of Public Roads collaborated to produce many feats of road engineering that opened the national park lands to millions of Americans.

Yet greater mobility and easier access now threaten the very environments that the National Park Service is mandated to protect. The ongoing tension between preservation and access has always been a challenge for our national park system. Today, record numbers of visitors and cars have resulted in increasing damage to our parks. The Grand Canyon alone has more than 4 million visitors a year. As many as 6,100 vehicles enter the South Rim area in a single summer day. They compete for 1,392 spaces in the Village area. About 150 commercial tour buses enter the South Rim on a typically busy day. During the peak summer season, the entrance route becomes a giant parking lot.

In 1975, the total number of visitors to America's national parks was 190 million. By 2003, that number had risen to 266 million annual visitors—almost equal to one visit by every man, woman, and child in this country. This dramatic increase in visitation has created an overwhelming demand on these areas, resulting in severe traffic congestion, visitor restrictions, and in some instances vacationers being shut out of the parks altogether. The environmental damage at the Grand Canyon is visible at many other parks: Yosemite, which has more than 3 million visitors a year; Yellowstone, which has almost 3 million visitors a year and experiences such severe traffic congestion that access has to be restricted; Acadia; Bryce; Zion and many others. We need to solve these problems now or risk permanent harm to our Nation's natural, cultural, and historical heritage.

Visitor access to the parks is vital not only to the parks themselves, but to the economic health of their gateway communities. For example, visitors to Yosemite infuse upwards of $300 million a year into the local economy, which supports almost 9,000 jobs. At Yellowstone, tourists spend more than $200 million annually, which supports more than 6,000 jobs in the park and in adjacent communities. If the parks are forced to close their gates to visitors due to congestion, the economic vitality of the surrounding region would be jeopardized.

The challenge for park management has always been twofold: to conserve and protect the Nation's natural, historical, and cultural resources, while at the same time ensuring visitor access and enjoyment of these sensitive environments. Until now, the principal transportation systems that the Federal Government has developed to provide access into our national parks are roads, primarily for private automobile access. The TRIP legislation recognizes that we need to do more than simply build roads; we must invest in alternative transportation solutions before our national parks are damaged beyond repair.

In developing solutions to the parks' transportation needs, this legislation builds upon a 1997 Memorandum of Understanding between Secretary of Transportation Rodney Slater and Secretary of the Interior Bruce Babbitt, in which the two Departments agreed to work together to address transportation and resource management needs in and around national parks. The findings in the MOU are especially revealing: Congestion in and approaching many National Parks is causing lengthy traffic delays and backups that substantially detract from the visitor experience. Visitors find that many of the National Parks contain significant noise and air pollution, and traffic congestion similar to that found on the city streets they left behind.

In many National Park units, the capacity of parking facilities at interpretive or scenic areas is well below demand. As a result, visitors park along roadsides, damaging park resources and subjecting people to hazardous safety conditions as they walk near busy roads to access visitor use areas.

On occasion, National Park units must close their gates during high visitation periods and turn away the public because the existing infrastructure and transportation systems are at, or beyond, the capacity for which they were designed.

In addition, the TRIP legislation is designed to implement the recommendations from a comprehensive study of alternative transportation needs in public lands that I was able to include in the Transportation Equity Act for the 21st Century, TEA–21, as section 3039. The Federal Lands Alternative Transportation Systems Study confirmed what those of us who have visited our national parks already know: there is a significant and well-documented need for alternative transportation solutions in the national parks to prevent lasting damage to these incomparable natural treasures.

The study examined over 200 sites, and identified needs for alternative transportation services at two-thirds of those sites. The study found that implementation of such services can help achieve a number of desirable outcomes: ''Relieve traffic congestion and parking shortages; enhance visitor mobility and accessibility; preserve sensitive natural, cultural, and historic resources; provide improved interpretation, education and visitor information services; reduce pollution; and improve economic development opportunities for gateway communities.''

In fact, the study concluded that ''the provision of transit in federally-managed lands can have national economic implications as well as significant economic benefits for local areas surrounding the sites.'' The study determined that funding transit needs would support thousands of jobs around the country, while also providing a direct benefit to the economy of gateway communities by ''expand[ing] the number of visits to the site and expand[ing] the amount of visitor spending in the surrounding communities.''

The study identified ''lack of a dedicated funding source for developing, implementing, and operating and maintaining transit systems'' as a key barrier to implementation of alternative transportation in and around federally-managed lands. The Transit in Parks Act will go far toward helping parks and their gateway communities overcome this barrier. This new Federal transit grant program will provide funding to the Federal land management agencies that manage the 388 sites within the National Park System, the National Wildlife Refuges, Federal recreational areas, and other public lands, including National Forest System lands, and to their State and local partners.

The bill's objectives are to develop new and expanded transit services throughout the national parks and other public lands to conserve and protect fragile natural, cultural, and historical resources and wildlife habitats, to prevent or mitigate adverse impact on those resources and habitats, and to reduce pollution and congestion, while at the same time facilitating appropriate visitor access and improving the visitor experience. The program will provide capital funds for transit projects, including rail or clean fuel bus projects, joint development activities, pedestrian and bike paths, or park waterway access, within or adjacent to national parks and other public lands. The Secretary of Transportation may make funds available for operations as well. The bill authorizes $90 million for this new program for each of the fiscal years 2005 through 2010, consistent with the level of need identified in the study. It is anticipated that other resources—both public and private—will be available to augment these amounts.

The bill formalizes the cooperative arrangement outlined in the 1997 MOU between the Secretary of Transportation and the Secretary of the Interior to exchange technical assistance and to develop procedures relating to the planning, selection, and funding of transit projects in national park lands. The bill further provides funds for planning, research, and technical assistance that can supplement other financial resources available to the Federal land management agencies. The projects eligible for funding would be developed through the transportation planning process and prioritized for funding by the Secretary of the Interior in consultation and cooperation with the Secretary of Transportation. It is anticipated that the Secretary of the Interior would select projects that are diverse in location and size. While major national parks such as the Grand Canyon or Yellowstone are

clearly appropriate candidates for significant transit projects under this bill, there are numerous small urban and rural Federal park lands that can benefit enormously from small projects, such as bike paths or improved connections with an urban or regional public transit system. No single project will receive more than 12 percent of the total amount available in any given year. This ensures a diversity of projects selected for assistance.

In addition, I firmly believe that this program will create new opportunities for the Federal land management agencies to partner with local transit agencies in gateway communities adjacent to the parks, both through the TEA–21 planning process and in developing integrated transportation systems. This will spur new economic development within these communities, as they develop transportation centers for park visitors to connect to transit links into the national parks and other public lands.

The ongoing tension between preservation and access has always been a challenge for the National Park Service. Today, that challenge has new dimensions, with overcrowding, pollution, congestion, and resource degradation increasing at many of our national parks. This legislation—the Transit in Parks Act—will give our Federal land management agencies important new tools to improve both preservation and access. Just as we have found in metropolitan areas, transit is essential to moving large numbers of people in our national parks—quickly, efficiently, at low cost, and without adverse impact. At the same time, transit can enhance the economic development potential of our gateway communities.

As we begin a new millennium, I cannot think of a more worthy endeavor to help our environment and preserve our national parks, wildlife refuges, and Federal recreational areas than by encouraging alternative transportation in these areas.

The Transit in Parks program is strongly supported by the National Parks Conservation Association, American Public Transportation Association, Natural Resources Defense Council, Community Transportation Association, America Bikes, Friends of the Earth, Amalgamated Transit Union, Surface Transportation Policy Project, and others, and I ask unanimous consent that the bill, a section-by-section analysis, and letters of support be printed in the RECORD.

I believe that we have a clear choice before us: we can turn paradise into a parking lot or we can invest in alternatives. As we celebrate the 35th anniversary of Earth Day, I urge my colleagues to support the Transit in Parks Act to ensure that our Nation's natural treasures will be preserved for many generations to come.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Transit in Parks Act'' or the ''TRIP Act''.

SEC. 2. FEDERAL LAND TRANSIT PROGRAM.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5315 the following:

''§ 5316. Federal land transit program

''(a) FINDINGS AND PURPOSES.—

''(1) FINDINGS.—Congress finds that—

''(A) section 3039 of the Transportation Equity Act for the 21st Century (23 U.S.C. 138 note; Public Law 105–178) required a comprehensive study, to be conducted by the Secretary of Transportation, in coordination with the Secretary of the Interior, of alternative transportation needs in national parks and related public lands in order to—

''(i) identify the transportation strategies that improve the management of national parks and related public lands;

''(ii) identify national parks and related public lands that have existing and potential problems of adverse impact, high congestion, and pollution, or that can otherwise benefit from alternative transportation modes;

''(iii) assess the feasibility of alternative transportation modes; and

''(iv) identify and estimate the costs of those alternative transportation modes;

''(B) the study found that many federally-managed sites are experiencing very high visitation levels that are continuing to increase and that there are significant transit needs at many of these sites;

''(C) the study concluded that implementing transit on federally-managed land can help—

''(i) relieve traffic congestion and parking shortages;

''(ii) enhance visitor mobility and accessibility;

''(iii) preserve sensitive natural, cultural, and historic resources;

''(iv) provide improved interpretation, education, and visitor information services;

''(v) reduce pollution; and

''(vi) improve economic development opportunities for gateway communities;

''(D) the Department of Transportation can assist the Federal land management agencies through financial support and technical assistance and further the achievement of national goals described in subparagraph (C);

''(E) immediate financial and technical assistance by the Department of Transportation, working with Federal land management agencies and State and local governmental authorities to develop efficient and coordinated alternative transportation systems within and in the vicinity of eligible areas, is essential to—

''(i) protect and conserve natural, historical, and cultural resources;

''(ii) prevent or mitigate adverse impacts on those resources;

''(iii) relieve congestion;

''(iv) minimize transportation fuel consumption;

''(v) reduce pollution (including noise pollution and visual pollution); and

''(vi) enhance visitor mobility, accessibility, and the visitor experience; and

''(F) it is in the interest of the United States to encourage and promote the development of transportation systems for the betterment of eligible areas to meet the goals described in clauses (i) through (vi) of subparagraph (E).

''(2) PURPOSES.—The purposes of this section are—

''(A) to develop a cooperative relationship between the Secretary of Transportation and the Secretary of the Interior to carry out this section;

''(B) to encourage the planning and establishment of alternative transportation systems and nonmotorized transportation systems needed within and in the vicinity of eligible areas, located in both urban and rural areas, that—

''(i) enhance resource protection;

''(ii) prevent or mitigate adverse impacts on those resources;

''(iii) improve visitor mobility, accessibility, and the visitor experience;

''(iv) reduce pollution and congestion;

''(v) conserve energy; and

''(vi) increase coordination with gateway communities;

''(C) to assist Federal land management agencies and State and local governmental authorities in financing areawide alternative transportation systems and nonmotorized transportation systems to be operated by public or private alternative transportation providers, as determined by local and regional needs, and to encourage public-private partnerships; and

''(D) to assist in research concerning, and development of, improved alternative transportation equipment, facilities, techniques, and methods with the cooperation of public and private companies and other entities engaged in the provision of alternative transportation service.

''(b) DEFINITIONS.—In this section:

''(1) ALTERNATIVE TRANSPORTATION.—

''(A) IN GENERAL.—The term 'alternative transportation' means transportation by bus, rail, or any other publicly or privately owned conveyance that provides to the public general or special service on a regular basis.

''(B) INCLUSIONS.—The term 'alternative transportation' includes sightseeing service.

''(2) ELIGIBLE AREA.—

''(A) IN GENERAL.—The term 'eligible area' means any Federally owned or managed park, refuge, or recreational area that is open to the general public.

''(B) INCLUSIONS.—The term 'eligible area' includes—

''(i) a unit of the National Park System;

''(ii) a unit of the National Wildlife Refuge System; and

''(iii) a recreational area managed by the Bureau of Land Management.

''(3) FEDERAL LAND MANAGEMENT AGENCY.—The term 'Federal land management agency' means a Federal agency that manages an eligible area.

''(4) QUALIFIED PARTICIPANT.—The term 'qualified participant' means—

''(A) a Federal land management agency; or

''(B) a State or local governmental authority with jurisdiction over land in the vicinity of an eligible area acting with the consent of the Federal land management agency, alone or in partnership with a Federal land management agency or other Governmental or nongovernmental participant.

''(5) QUALIFIED PROJECT.—The term 'qualified project' means a planning or capital project in or in the vicinity of an eligible area that—

''(A) is an activity described in section 5302(a)(1), 5303(g), or 5309(a)(1)(A);

''(B) involves—

''(i) the purchase of rolling stock that incorporates clean fuel technology or the replacement of buses of a type in use on the date of enactment of this section with clean fuel vehicles; or

''(ii) the deployment of alternative transportation vehicles that introduce innovative technologies or methods;

''(C) relates to the capital costs of coordinating the Federal land management agency

alternative transportation systems with other alternative transportation systems;

''(D) provides a nonmotorized transportation system (including the provision of facilities for pedestrians, bicycles, and nonmotorized watercraft);

''(E) provides waterborne access within or in the vicinity of an eligible area, as appropriate to and consistent with the purposes described in subsection (a)(2); or

''(F) is any other alternative transportation project that—

''(i) enhances the environment;

''(ii) prevents or mitigates an adverse impact on a natural resource;

''(iii) improves Federal land management agency resource management;

''(iv) improves visitor mobility and accessibility and the visitor experience;

''(v) reduces congestion and pollution (including noise pollution and visual pollution); and

''(vi) conserves a natural, historical, or cultural resource (excluding rehabilitation or restoration of a nontransportation facility).

''(6) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(c) FEDERAL AGENCY COOPERATIVE ARRANGEMENTS.—The Secretary shall develop cooperative arrangements with the Secretary of the Interior that provide for—

''(1) technical assistance in alternative transportation;

''(2) interagency and multidisciplinary teams to develop Federal land management agency alternative transportation policy, procedures, and coordination; and

''(3) the development of procedures and criteria relating to the planning, selection, and funding of qualified projects and the implementation and oversight of the program of projects in accordance with this section.

''(d) TYPES OF ASSISTANCE.—

''(1) IN GENERAL.—The Secretary may enter into a contract, grant, cooperative agreement, interagency agreement, intra-agency agreement, or other agreement to carry out a qualified project under this section.

''(2) OTHER USES.—A grant, cooperative agreement, interagency agreement, intra-agency agreement, or other agreement for a qualified project under this section shall be available to finance the leasing of equipment and facilities for use in alternative transportation, subject to any regulation that the Secretary may prescribe limiting the grant or agreement to leasing arrangements that are more cost-effective than purchase or construction.

''(e) LIMITATION ON USE OF AVAILABLE AMOUNTS.—

''(1) IN GENERAL.—The Secretary may allocate not more than 5 percent of the amount made available for a fiscal year under section 5338(j) for use by the Secretary in carrying out planning, research, and technical assistance under this section, including the development of technology appropriate for use in a qualified project.

''(2) AMOUNTS FOR PLANNING, RESEARCH, AND TECHNICAL ASSISTANCE.—Amounts made available under this subsection are in addition to amounts otherwise available for planning, research, and technical assistance under this title or any other provision of law.

''(3) AMOUNTS FOR QUALIFIED PROJECTS.—No qualified project shall receive more than 12 percent of the total amount made available under section 5338(j) for any fiscal year.

''(4) OPERATIONS.—To the extent the Secretary determines appropriate, the Secretary may make grants under this section to finance the operating cost of equipment and facilities for use in a qualified project.

''(f) PLANNING PROCESS.—In undertaking a qualified project under this section—

''(1) if the qualified participant is a Federal land management agency—

''(A) the Secretary, in cooperation with the Secretary of the Interior, shall develop transportation planning procedures that are consistent with—

''(i) the metropolitan planning provisions under sections 5303 through 5305;

''(ii) the statewide planning provisions under section 135 of title 23; and

''(iii) the public participation requirements under section 5307(c); and

''(B) in the case of a qualified project that is at a unit of the National Park system, the planning process shall be consistent with the general management plans of the unit of the National Park system; and

''(2) if the qualified participant is a State or local governmental authority, or more than 1 State or local governmental authority in more than 1 State, the qualified participant shall—

''(A) comply with sections 5303 through 5305;

''(B) comply with the statewide planning provisions under section 135 of title 23;

''(C) comply with the public participation requirements under section 5307(c); and

''(D) consult with the appropriate Federal land management agency during the planning process.

''(g) COST SHARING.—

''(1) DEPARTMENTAL SHARE.—The Secretary, in cooperation with the Secretary of the Interior, shall establish the share of assistance to be provided under this section to a qualified participant.

''(2) CONSIDERATIONS.—In establishing the departmental share of the net project cost of a qualified project, the Secretary shall consider—

''(A) visitation levels and the revenue derived from user fees in the eligible area in which the qualified project is carried out;

''(B) the extent to which the qualified participant coordinates with a public or private alternative transportation authority;

''(C) private investment in the qualified project, including the provision of contract services, joint development activities, and the use of innovative financing mechanisms;

''(D) the clear and direct benefit to the qualified participant; and

''(E) any other matters that the Secretary considers appropriate to carry out this section.

''(3) NONDEPARTMENTAL SHARE.—Notwithstanding any other provision of law, Federal funds appropriated to any Federal land management agency may be counted toward the nondepartmental share of the cost of a qualified project.

''(h) SELECTION OF QUALIFIED PROJECTS.—

''(1) IN GENERAL.—The Secretary of the Interior, after consultation with and in cooperation with the Secretary, shall determine the final selection and funding of an annual program of qualified projects in accordance with this section.

''(2) CONSIDERATIONS.—In determining whether to include a project in the annual program of qualified projects, the Secretary of the Interior shall consider—

''(A) the justification for the qualified project, including the extent to which the qualified project would conserve resources, prevent or mitigate adverse impact, and enhance the environment;

''(B) the location of the qualified project, to ensure that the selected qualified projects—

''(i) are geographically diverse nationwide; and

''(ii) include qualified projects in eligible areas located in both urban areas and rural areas;

''(C) the size of the qualified project, to ensure that there is a balanced distribution;

''(D) the historical and cultural significance of a qualified project;

''(E) safety;

''(F) the extent to which the qualified project would—

''(i) enhance livable communities;

''(ii) reduce pollution (including noise pollution, air pollution, and visual pollution);

''(iii) reduce congestion; and

''(iv) improve the mobility of people in the most efficient manner; and

''(G) any other matters that the Secretary considers appropriate to carry out this section, including—

''(i) visitation levels;

''(ii) the use of innovative financing or joint development strategies; and

''(iii) coordination with gateway communities.

''(i) QUALIFIED PROJECTS CARRIED OUT IN ADVANCE.—

''(1) IN GENERAL.—When a qualified participant carries out any part of a qualified project without assistance under this section in accordance with all applicable procedures and requirements, the Secretary may pay the departmental share of the net project cost of a qualified project if—

''(A) the qualified participant applies for the payment;

''(B) the Secretary approves the payment; and

''(C) before carrying out that part of the qualified project, the Secretary approves the plans and specifications in the same manner as plans and specifications are approved for other projects assisted under this section.

''(2) INTEREST.—

''(A) IN GENERAL.—The cost of carrying out part of a qualified project under paragraph (1) includes the amount of interest earned and payable on bonds issued by a State or local governmental authority, to the extent that proceeds of the bond are expended in carrying out that part.

''(B) LIMITATION.—The rate of interest under this paragraph may not exceed the most favorable rate reasonably available for the qualified project at the time of borrowing.

''(C) CERTIFICATION.—The qualified participant shall certify, in a manner satisfactory to the Secretary, that the qualified participant has exercised reasonable diligence in seeking the most favorable interest rate.

''(j) FULL FUNDING AGREEMENT; PROJECT MANAGEMENT PLAN.—If the amount of assistance anticipated to be required for a qualified project under this section is more than $25,000,000—

''(1) the qualified project shall, to the extent that the Secretary considers appropriate, be carried out through a full funding agreement in accordance with section 5309(g); and

''(2) the qualified participant shall prepare a project management plan in accordance with section 5327(a).

''(k) RELATIONSHIP TO OTHER LAWS.—Qualified participants shall be subject to—

''(1) the requirements of section 5333;

''(2) to the extent that the Secretary determines to be appropriate, requirements consistent with those under subsections (d) and (i) of section 5307; and

''(3) any other terms, conditions, requirements, and provisions that the Secretary determines to be appropriate to carry out this section, including requirements for the distribution of proceeds on disposition of real property and equipment resulting from a qualified project assisted under this section.

''(l) INNOVATIVE FINANCING.—A qualified project assisted under this section shall be eligible for funding through a State Infrastructure Bank or other innovative financing mechanism otherwise available to finance an eligible project under this chapter.

''(m) ASSET MANAGEMENT.—The Secretary may transfer the interest of the Department of Transportation in, and control over, all facilities and equipment acquired under this section to a qualified participant for use and disposition in accordance with any property management regulations that the Secretary determines to be appropriate.

''(n) COORDINATION OF RESEARCH AND DEPLOYMENT OF NEW TECHNOLOGIES.—

''(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of the Interior, may undertake, or make grants or contracts (including agreements with departments, agencies, and instrumentalities of the Federal Government) or other agreements for research, development, and deployment of new technologies in eligible areas that will—

''(A) conserve resources;

''(B) prevent or mitigate adverse environmental impact;

''(C) improve visitor mobility, accessibility, and enjoyment; and

''(D) reduce pollution (including noise pollution and visual pollution).

''(2) ACCESS TO INFORMATION.—The Secretary may request and receive appropriate information from any source.

''(3) FUNDING.—Grants and contracts under paragraph (1) shall be awarded from amounts allocated under subsection (e)(1).

''(o) REPORT.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall annually submit to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the allocation of amounts to be made available to assist qualified projects under this section.

''(2) ANNUAL AND SUPPLEMENTAL REPORTS.—A report required under paragraph (1) shall be included in the report submitted under section 5309(p).''.

(b) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended by adding at the end the following:

''(j) SECTION 5316.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out section 5316 $90,000,000 for each of fiscal years 2005 through 2010.

''(2) AVAILABILITY.—Amounts made available under this subsection for any fiscal year shall remain available for obligation until the last day of the third fiscal year commencing after the last day of the fiscal year for which the amounts were initially made available under this subsection.''.

(c) CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5315 the following:

''5316. Federal land transit program.''.

(2) PROJECT MANAGEMENT OVERSIGHT.—Section 5327(c) of title 49, United States Code, is amended in the first sentence—

(A) by striking ''or 5311'' and inserting ''5311, or 5316''; and

(B) by striking ''5311, or'' and inserting ''5311, 5316, or''.

(d) TECHNICAL AMENDMENTS.—Chapter 53 of title 49, United States Code, is amended—

(1) in section 5309—

(A) by redesignating subsection (p) as subsection (q); and

(B) by redesignating the second subsection designated as subsection (o) (as added by section 3009(i) of the Federal Transit Act of 1998 (112 Stat. 356)) as subsection (p);

(2) in section 5328(a)(4), by striking ''5309(o)(1)'' and inserting ''5309(p)(1)''; and

(3) in section 5337, by redesignating the second subsection designated as subsection (e) (as added by section 3028(b) of the Federal Transit Act of 1998 (112 Stat. 367)) as subsection (f).

TRANSIT IN PARKS ACT SECTION–BY–SECTION

Section 1. Short title

The Transit in Parks (TRIP) Act.

Section 2. In general

Amends Federal transit laws by adding new section 5316, ''Federal Land Transit Program.''

Section 3. Findings and purposes

The purpose of this Act is to promote the planning and establishment of alternative transportation systems within, and in the vicinity of, the national parks and other public lands to protect and conserve natural, historical, and cultural resources, mitigate adverse impact on those resources, relieve congestion, minimize transportation fuel consumption, reduce pollution, and enhance visitor mobility and accessibility and the visitor experience. The Act responds to the need for alternative transportation systems in the national parks and other public lands identified in the study conducted by the Department of Transportation pursuant to section 3039 of TEA–21, by establishing Federal assistance to finance alternative transportation projects within and in the vicinity of the national parks and other public lands, to increase coordination with gateway communities, to encourage public-private partnerships, and to assist in the research and deployment of improved alternative transportation equipment and methods.

Section 4. Definitions

This section defines eligible projects and eligible participants in the program. A ''qualified participant'' is a Federal land management agency, or a State or local governmental authority acting with the consent of a Federal land management agency. A ''qualified project'' is a planning or capital alternative transportation project, including rail projects, clean fuel vehicles, joint development activities, pedestrian and bike paths, waterborne access, or projects that otherwise better protect the eligible areas and increase visitor mobility and accessibility. ''Eligible areas'' are lands managed by the National Park Service, the U.S. Fish and Wildlife Service, and the Bureau of Land Management, as well as any other Federally-owned or -managed park, refuge, or recreational area that is open to the general public. Qualified projects may be located either within eligible areas or in gateway communities in the vicinity of eligible areas.

Section 5. Federal agency cooperative arrangements

This section implements the 1997 Memorandum of Understanding between the Departments of Transportation and the Interior for the exchange of technical assistance in alternative transportation, the development of alternative transportation policy and coordination, and the establishment of criteria for planning, selection, and funding of projects under this section.

Section 6. Types of assistance

This section gives the Secretary of Transportation authority to provide Federal assistance through grants, cooperative agreements, inter- or intra-agency agreements, or other agreements, including leasing under certain conditions, for a qualified project under this section.

Section 7. Limitation on use of available amounts

This section specifies that the Secretary may not use more than 5% of the amounts available under this section for planning, research, and technical assistance; these amounts can be supplemented from other sources. This section also gives the Secretary discretion to make grants to pay for operating expenses. In addition, to ensure a broad distribution of funds, no project can receive more than 12% of the total amount available under this section in any given year.

Section 8. Planning process

This section requires the Secretaries of Transportation and the Interior to cooperatively develop a planning process consistent with TEA–21 for qualified participants which are Federal land management agencies. If the qualified participant is a State or local governmental authority, the qualified participant shall comply with the TEA–21 planning process and consult with the appropriate Federal land management agency during the planning process.

Section 9. Department's share of the costs

This section requires that in determining the Department's share of the project costs, the Secretary of Transportation, in cooperation with the Secretary of the Interior, must consider certain factors, including visitation levels and user fee revenues, coordination in project development with a public or private transit provider, private investment, and whether there is a clear and direct financial benefit to the qualified participant. The intent is to establish criteria for a sliding scale of assistance, with a lower Departmental share for projects that can attract outside investment, and a higher Departmental share for projects that may not have access to such outside resources. In addition, this section specifies that funds from the Federal land management agencies can be counted toward the local share.

Section 10. Selection of qualified projects

This section provides that the Secretary of the Interior, in cooperation with the Secretary of Transportation, shall prioritize the qualified projects for funding in an annual program of projects, according to the following criteria: (1) Project justification, including the extent to which the project conserves resources, prevents or mitigates adverse impact, and enhances the environment; (2) project location to ensure geographic diversity and both rural and urban projects; (3) project size for a balanced distribution; (4) historical and cultural significance; (5) safety; (6) the extent to which the project would enhance livable communities, reduce pollution and congestion, and improve the mobility of people in the most efficient manner; and (7) any other considerations the Secretary deems appropriate, including visitation levels, the use of innovative financing or joint development strategies, and coordination with gateway communities.

Section 11. Undertaking projects in advance

This provision applies current transit law to this section, allowing projects to advance prior to receiving Federal funding, but allowing the advance activities to be counted toward the local share as long as certain conditions are met.

Section 12. Full funding agreement; Project management plan

This section provides that large projects require a project management plan, and shall be carried out through a full funding agreement to the extent the Secretary considers appropriate.

Section 13. Relationship to other laws

This provision applies certain transit laws to projects funded under this section, and permits the Secretary to apply any other terms or conditions he or she deems appropriate.

Section 14. Innovative financing

This section provides that a project assisted under this Act can also use funding

from a State Infrastructure Bank or other innovative financing mechanism that is available to fund other eligible transit projects.

Section 15. Asset management

This provision permits the Secretary of Transportation to transfer control over a transit asset acquired with Federal funds under this section to a qualified governmental participant in accordance with certain Federal property management rules.

Section 16. Coordination of research and deployment of new technologies

This provision allows the Secretary, in cooperation with the Secretary of the Interior, to enter into grants or other agreements for research and deployment of new technologies to meet the special needs of eligible areas under this Act.

Section 17. Report

This section requires the Secretary of Transportation to submit a report on projects funded under this section to the House Transportation and Infrastructure Committee and the Senate Banking, Housing, and Urban Affairs Committee, to be included in the Department's annual project report.

Section 18. Authorization

$90,000,000 is authorized to be appropriated for the Secretary to carry out this program for each of the fiscal years 2005 through 2010.

Section 19. Conforming amendments

Conforming amendments to the transit title, including an amendment to allow 0.5% per year of the funds made available under this section to be used for project management oversight.

Section 20. Technical amendments

Technical corrections to the transit title in TEA–21.

APRIL 21, 2005.

Hon. PAUL SARBANES,
309 Hart Office Building,
Washington, DC.

DEAR SENATOR SARBANES: The undersigned organizations want to thank you for introducing the Transit in Parks Act that will enhance transit options for access to and within our public lands. We applaud your leadership and foresight in recognizing the critical role that mass transit can play in protecting our public lands and improving the visitor experience.

Visitation to America's public lands has skyrocketed during the past two decades. The national parks, for example, have seen their visitation increase from 190 million visitors in 1975 to approximately 277 million visitors last year. Increased public interest in these special places has placed substantial burdens on the very resources that draw people to these lands. As more and more individuals crowd into our public lands—typically by automobile—fragile habitat, endangered plants and animals, unique cultural treasures, and spectacular natural resources and vistas are being damaged from air and water pollution, noise intrusion, and inappropriate use.

As outlined in your legislation, the establishment of a program within the Department of Transportation dedicated to enhancing transit options in and adjacent to public lands will have a powerful, positive effect on the future ecological and cultural integrity of these areas. Your initiative will boost the role of alternative transportation solutions for many areas, particularly those most heavily impacted by visitation such as Yellowstone-Grand Teton, Yosemite, Grand Canyon, Acadia, and the Great Smoky Mountains national parks. For instance, development of transportation centers and auto parking lots outside the parks, complemented by the use of buses, vans, or rail systems, and/or bicycle and pedestrian pathways would provide much more efficient means of handling the crush of visitation. The benefit of such systems has already been demonstrated in a number of parks such as Zion and Cape Cod.

Equally important, the legislation will provide an excellent opportunity for the NPS, BLM and FWS to enter into public/private partnerships with States, localities, and the private sector, providing a wider range of transportation options than exists today. These partnerships could leverage funds that the federal land managing agencies currently have great difficulty accessing.

Finally, we support the legislation because it addresses the critical lack of resources for maintaining and operating alternative transportation systems once they are established.

We wholeheartedly endorse your bill as a creative new mechanism to protect and enhance both the resources and visitor experiences associated with America's public lands.

We look forward to working with you to move this legislation to enactment.

Sincerely,

Thomas C. Kiernan, President, Nat'l Parks Conservation Association.

Steve Winkelman, Manager of Transportation, Center for Clean Air Policy.

David Hirsch, Program Director, Friends of the Earth.

John Thorner, Executive Director, Nat'l Recreation and Park Association.

Andy Clarke, President, America Bikes.

W. Kent Olson, President, Friends of Acadia.

Mele Williams, Director of Government Relations, League of American Bicyclists.

Anne P. Canby, President, Surface Transportation Policy Project.

AMERICAN PUBLIC TRANSPORTATION ASSOCIATION,
Washington, DC,
APRIL 21, 2005.

Hon. PAUL S. SARBANES,
Ranking Member, Senate Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: Thank you for sharing with us a copy of the ''Transit in Parks Act'' (TRIP) which would amend federal transit law at Chapter 53, title 49 U.S.C. The Act would authorize federal assistance to certain federal projects and state and local entities to finance mass transportation projects generally for the purpose of addressing transportation congestion and mobility issues at national parks and other eligible areas. In addition, the legislation would encourage enhanced cooperation between the Departments of Transportation and Interior regarding joint efforts of those federal agencies to encourage the use of public transportation at national parks.

I am pleased to support your efforts to improve mobility in our national parks. Public transportation clearly has much to offer citizens who visit these national treasures, where congestion and pollution are significant—and growing—problems. Moreover, this legislation should broaden the base of support for public transportation, a key principle the American Public Transportation Association has been advocating for many years.

I applaud you for writing the legislation, and look forward to continuing to work with you and your staff. Please let us know what we can do to help your initiative!

Sincerely yours,

WILLIAM W. MILLAR,
President

APRIL 19, 2005.

Hon. PAUL SARBANES,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: On behalf of the more than 550,000 members of the Natural Resources Defense Council, I am writing to support your Transit in Parks Act. Many of our national parks are suffering from the impacts of too many automobiles: traffic congestion, air and water pollution, and disturbance of natural ecosystems resulting in both the degradation of natural and cultural resources and the visitor's experience. Providing dedicated funding for transit projects in our national parks, as your bill would do, is a priority solution to these problems in the National Park System.

It is essential in many parks to get visitors out of their automobiles by providing attractive and effective transit services to and within national parks. A sound practical transit system will improve the visitor's experience—making it more convenient and enjoyable for families and visitors of all ages. Better transit is critical to diversifying transportation choices and providing better access for the benefit of all park visitors. Air pollutants from automobiles driven by visitors can exacerbate respiratory health problems, damage vegetation, and contribute to haze that too often obliterates park vistas. And the more we get people into public transit and out of their inividual cars, the more energy will be conserved. Lastly, a positive park transit experience will demonstrate to visitors that transit could serve them at home too, which should provide the indirect benefit of higher ridership on other transit systems, in short, this bill would help to reduce reliance on automobiles by authorizing the funding so our national parks can build and operate efficient and convenient transit systems.

With their great biodiversity and their recreational and educational value for all Americans, national parks make up some the nation's most valuable land. As driving increases in parks and on our roadways, it is crucial to find ways to use existing infrastructure more efficiently and to reduce the impacts of transportation onthese vital and sensitive lands.

We commend and thank you for your dedication and leadership on this issue and more generally to the protection of our national parks. Please look to us to help you establish better public transit in our national parks.

Sincerely,

CHARLES M. CLUSEN,
Senior Policy Analyst.

AMALGAMATED TRANSIT UNION,
OFFICE OF THE INTERNATIONAL PRESIDENT,
Washington, DC, April 12, 2005.

Hon. PAUL SARBANES,
Ranking Member, Senate Committee on Banking, Housing, and Urban Affairs, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: On behalf of the more than 180,000 members of the Amalgamated Transit Union (ATU), the largest labor organization representing mass transit, over-the-road, and school bus drivers in the United States and Canada, I am writing to express our strong support for the ''Transit in Parks Act'' (TRIP), which would provide increased funding for public transportation in national parks and other public lands. Without question, this legislation begins to address the major congestion and environmental issues that currently exist in U.S. National Parks from coast to coast.

Through the years, Federal transit programs have enabled public transportation providers to assist urban communities. to

significantly reduce congestion and improve air quality by investing in mass transit, either bus or rail. Like you, we believe that this can also be achieved in our national parks, which during peak months become the equivalent of American cities, inundated with hundreds of millions of visitors each year. Therefore, ATU supports the adoption of the Transit in Parks Act as part of TEA 21's reauthorization.

We would welcome the opportunity to discuss this and any other transit issues with you or your staff at any time. As always, thank you for your continuous support of the people who proudly provide public transportation services for millions of Americans each day, and for recognizing that mass transit can provide benefits beyond our cities and suburbs.

Sincerely,

WARREN S. GEORGE,
International President.

APRIL 21, 2005.

Hon. PAUL SARBANES,
Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: the Community Transportation Association continues to support your efforts to provide alternative transportation strategies in our national parks and other public lands. Our association's 7,500 members provide public and community transportation services in many of the smaller communities that border these national parks, monuments, and recreational areas, and our association has members actively involved in providing transportation services at several national parks.

All of us know the danger that congestion and increases in traffic pose for the future of these sites and locations. Your continued sponsorship of the Transit in Parks Act is an important step in helping ensure that America's natural beauty and historic treasures remain a continuous part of our nation's future. We have members throughout the country whose experiences support the principle that public transit investments in and near national parks and public lands can improve mobility, support the economic vitality of these parks' ''gateway communities,'' and make dramatic improvements in the experiences of park visitors, employees, and community residents alike.

We appreciate your dedicated efforts and initiative in this regard, and look forward to helping you advance this important piece of legislation.

Sincerely,

DALE J. MARSICO, CCTM,
Executive Director.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities be authorized to meet during the session of the Senate on April 22, 2005, at 9:30 a.m., in open and closed session to receive testimony on U.S. Special Operations Command in review of the defense authorization request for fiscal year 2006.

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

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS—MOTION TO PROCEED

CLOTURE MOTION

Mr. BENNETT. Mr. President, I now move to proceed to calendar No. 69, H.R. 3, the highway bill, and I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 69, H.R. 3, a bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Bill Frist, John Warner, Lindsey Graham, Craig Thomas, Mike DeWine, Richard Burr, Susan Collins, Johnny Isakson, James Inhofe, Gordon Smith, Pete Domenici, Thad Cochran, John Thune, Orrin Hatch, Chuck Grassley, David Vitter, Mitch McConnell.

Mr. BENNETT. Mr. President, I ask unanimous consent that the live quorum be waived and the vote occur at 11:45 a.m. on Tuesday, April 26.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURES PLACED ON THE CALENDAR—S. 870, S. 871, S. 872, S. 873, AND S. 874

Mr. BENNETT. Mr. President, I understand there are five bills at the desk that are due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills for a second time.

The assistant legislative clerk read as follows:

A bill (S. 870) to prohibit energy market manipulation.

A bill (S. 871) to amend title 10, United States Code, to ensure that the strength of the Armed Forces and the protections and benefits for members of the Armed Forces and their families are adequate for keeping the commitment of the people of the United States to support their servicemembers, and for other purposes.

A bill (S. 872) to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

A bill (S. 873) to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the medicare program.

A bill (S. 874) to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes.

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

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

ORDERS FOR MONDAY, APRIL 25, 2005

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. on Monday, April 25. I further ask that following the prayer and the 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 resume consideration of the motion to proceed to H.R. 3, the highway bill.

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

AUTHORITY TO FILE STATEMENTS UNTIL 12 P.M. NOON

Mr. BENNETT. I further ask unanimous consent that notwithstanding the adjournment of the Senate, Senators be permitted to submit statements for the RECORD until 12 p.m. noon today.

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

PROGRAM

Mr. BENNETT. Mr. President, on Monday, the Senate will resume the motion to proceed to the highway bill. There will be no rollcall votes on Monday but Senators are encouraged to come to the floor to make their statements with respect to the bill.

As a reminder, a few minutes ago, cloture was filed on the motion to proceed to the bill and that cloture vote will occur at 11:45 on Tuesday of next week. That will be the first rollcall vote of next week. Next week is the last week prior to the Senate recess and Senators should expect a busy week with votes as we make progress on the highway legislation.

ADJOURNMENT UNTIL 2 P.M., MONDAY, APRIL 25, 2005

Mr. BENNETT. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:05 a.m., adjourned until Monday, April 25, 2005, at 2 p.m.