

"5573. Assurance of access to intermodal facilities.

"5574. Intercity bus intermodal facility grants.

"5575. Funding."

Beginning on page 1309 strike lines 17 thru page 1310 line 1 and insert the following:

(b) MASS TRANSIT CATEGORY.—For the purpose of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)), the level of obligation limitations for the mass transit category is—

- (1) for fiscal year 2004, \$7,265,877,000;
- (2) for fiscal year 2005, \$8,650,000,000;
- (3) for fiscal year 2006, \$9,085,123,000;
- (4) for fiscal year 2007, \$9,600,000,000;
- (5) for fiscal year 2008, \$10,490,000,000 and
- (6) for fiscal year 2009, \$11,430,000,000.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, February 26 at 2:30 p.m. in 366 Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of Susan Johnson Grant, to be Chief Financial Officer, Department of Energy.

For further information, please contact Judy Pensabene of the Committee staff at (202) 224-1327.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, February 12, 2004, at 10 a.m., to conduct an oversight hearing on the semi-annual monetary policy report of the Federal Reserve.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRASSLEY. 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 Thursday, February 12 at 10 a.m. to consider the President's fiscal year 2005 budget for the Department of the Interior.

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

COMMITTEE ON FINANCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, February 12, 2004, at 2 p.m., in 215 Dirksen Senate Office Building, to hear testimony concerning the Revenue Proposals in the President's fiscal year 2005 Budget.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 12, 2004 at 9:30 a.m. to hold a hearing on the State Department; Policy/Programs.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 12, 2004 at 2:30 p.m. to hold a hearing on Trade and Human Rights U.S./Vietnam.

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

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, February 12, 2004, at 9:30 a.m. in Dirksen Senate Building Room 226.

Agenda

I. Nominations

William James Haynes II to be U.S. Circuit Judge for the Fourth Circuit, Raymond W. Gruender to be U.S. Circuit Judge for the Eighth Circuit, Henry W. Saad to be U.S. Circuit Judge for the Sixth Circuit, Judith C. Herrera to be United States District Judge for the District of New Mexico, F. Dennis Saylor to be United States District Judge for the District of Massachusetts, Sandra L. Townes to be United States District Judge for the Eastern District of New York, Louis Guirola, Jr. to be United States District Judge for the Southern District of Mississippi, Virginia E. Hopkins to be United States District Judge for the Northern District of Alabama, Kenneth M. Karas to be United States District Judge for the Southern District of New York, Michele M. Leonhart to be Deputy Administrator of Drug Enforcement, and Domingo S. Herraiz to be Director of the Bureau of Justice Assistance, United States Department of Justice.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled, "The President's FY2005 Budget Request for the SBA" on Thursday, February 12, 2004, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on February 12, 2004 at 2:30 p.m. to hold a closed Business Meeting.

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY AND CITIZENSHIP

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration, Border Security and Citizenship be authorized to meet to conduct a hearing on "Evaluating a Temporary Guest Worker Proposal" on Thursday, February 12, 2004 at 2:30 p.m. in Dirksen 226.

Witness List

Panel I: The Honorable Asa Hutchinson, Undersecretary for Border and Transportation Security Directorate, Department of Homeland Security, Washington, DC; The Honorable Eduardo Aguirre, Director, U.S. Citizenship and Immigration Services, Department of Homeland Security, Washington, DC; The Honorable Steven J. Law, Deputy Secretary, Department of Labor, Washington, DC.

Panel II: Albert C. Zapanta, President, U.S.-Mexico Chamber of Commerce, Washington, DC; Richard R. Birkman, President, Texas Roofing Company, Austin, TX; Dr. Vernon Briggs, Professor of Industrial and Labor Relations, Cornell University, Ithaca, NY; Demetrios Papademetriou, Co-director, Migration Policy Institute, Washington, DC.

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 12 at 2:30 p.m.

The purpose of the hearing is to receive testimony on S. 1421, to authorize the subdivision and dedication of restricted land owned by Alaska natives; S. 1466, to facilitate the transfer of land in the state of Alaska, and for other purposes; S. 1649, to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes; and S. 1910, to direct the Secretary of Agriculture to carry out an inventory and management program for forests derived from public domain land.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet on Thursday, February 12, 2004, at 9:30 a.m., for a hearing entitled "DOD Contractors Who Cheat on Their Taxes and What Should be Done About It."

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

UNANIMOUS CONSENT REQUEST—
S. 2061

Mr. FRIST. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the consideration of Calendar No. 429, S. 2061, the OB/GYN medical malpractice bill.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

HEALTHY MOTHERS AND
HEALTHY BABIES ACCESS TO
CARE ACT OF 2003—MOTION TO
PROCEED

CLOTURE MOTION

Mr. FRIST. Mr. President, with that objection, I now move to proceed to the consideration of S. 2061, the OB/GYN medical malpractice bill, and I send a cloture motion to the desk.

The PRESIDING OFFICER. 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. 429, S. 2061, a bill to improve women's access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

Bill Frist, Judd Gregg, Kay Bailey Hutchison, Lisa Murkowski, Susan Collins, Elizabeth Dole, Michael B. Enzi, James Inhofe, John Ensign, Craig Thomas, John Cornyn, Pat Roberts, Sam Brownback, Orrin Hatch, Chuck Grassley, Mitch McConnell, Jon Kyl.

Mr. FRIST. Mr. President, I ask unanimous consent that the live quorum under rule XXII be waived, and I ask unanimous consent that this vote occur at 5 p.m. on Tuesday, February 24.

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

PENSION FUNDING EQUITY ACT OF
2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate resume consideration of H.R. 3108, the pensions bill, and that the Senate insist upon its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on behalf of the Senate at a ratio of 3 to 2.

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

The PRESIDING OFFICER (Mr. CHAMBLISS) appointed Mr. GRASSLEY, Mr. GREGG, Mr. MCCONNELL, Mr. BAUCUS, and Mr. KENNEDY conferees on the part of the Senate.

WASHINGTON'S FAREWELL
ADDRESS

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the resolution of the Senate of January 24, 1901, on Monday, February 23, 2004, immediately following the prayer, the Pledge of Allegiance to the flag, and disposition of the Journal, the traditional reading of Washington's Farewell Address take place.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the order of the Senate on January 24, 1901, as modified by the order of February 12, 2004, appoints the Senator from Louisiana, Mr. BREAU, to read Washington's Farewell Address on Monday, February 23, 2004.

The Chair, on behalf of the Democratic Leader, after consultation with the members of the Committee on Health, Education, Labor, and Pensions, and the Committee on Aging, pursuant to Public Law 100-175, as amended by Public Laws 102-375, 103-171, and 106-501, appoints the following individuals as members of the Policy Committee to the White House Conference on Aging:

The Senator from Iowa (Mr. HARKIN) and the Senator from Nevada (Mr. REID).

EXECUTIVE SESSION

NOMINATION OF SAMUEL W.
BODMAN TO BE DEPUTY SEC-
RETARY OF THE TREASURY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the nomination of Samuel W. Bodman to be Deputy Secretary of the Treasury, which was reported by the Finance Committee today. 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. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF TREASURY

Samuel W. Bodman, of Massachusetts, to be Deputy Secretary of the Treasury.

LEGISLATIVE SESSION

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

COMMENDING THE CARROLL
COLLEGE FIGHTING SAINTS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate

now proceed to the consideration of S. Res. 303, submitted by Senators BURNS and BAUCUS earlier today.

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

The assistant journal clerk read as follows:

A resolution (S. Res. 303) commending the Carroll College Fighting Saints football team for winning the 2003 National Association of Intercollegiate Athletics (NAIA) national football championship game.

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

Mr. BAUCUS. Mr. President, I rise today to honor the Carroll College Fighting Saints and to congratulate them on their second consecutive NAIA National Championship.

The Fighting Saints won their second straight NAIA National Championship by defeating Northwestern Oklahoma State University Rangers. And what was the score? 41 to 28.

We were very worried what kind of game this was going to be, and I was just elated when we broke the game open early and just kept the feet to the fire of the other team and we won by a large margin.

Mr. NICKLES. Will the Senator yield?

Mr. BAUCUS. To the Senator from Oklahoma, I am sure this is a very sensitive topic for him and I would be glad to yield to the Senator.

Mr. NICKLES. We have been in mourning over the terrible upset at the hands of—is it the Montana Rangers?

Mr. BAUCUS. Saints.

Mr. NICKLES. Montana Saints. Is that an acronym?

Mr. BAUCUS. Saints generally prevail.

Mr. NICKLES. Mr. President, I did not usually put Montana and saints in the same sentence, but I understand the Montana Saints prevailed and I wish to congratulate the Senator from Montana.

Mr. BAUCUS. I appreciate that. It is the Carroll College Fighting Saints. I might say the University of Montana has won AA national championships a couple of times in the last several years, too. We love football in Montana. I think—I know as much as people in Oklahoma love football, with the Sooners and the great history Oklahoma has had in football.

I might say, too, although the game was magical—it is always magical when you win—magic really did not play a large part in the Fighting Saints' victory. It was just good old-fashioned hard work and teamwork. Coach Van Diest is one very special guy, a Montanan, a real basic down-to-Earth guy who inspires such teamwork, just working together, hard work, making sure nobody takes credit for anything. This is a team game. We all work together to get this done.

When you meet the coach and see the team practice with him, it is very apparent. They are very humble. That is why we were very worried about this