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No. 63

## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, May 16, 2005, at 12:30 p.m.

## Senate

FRIDAY, MAY 13, 2005

The Senate met at 10 a.m. and was called to order by the Honorable LINCOLN D. CHAFEE, a Senator from the State of Rhode Island.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Immortal, invisible, God only wise, You laid the foundations of the Earth and defend the boundaries of the sea. You command the morning to appear and cause the dawn to rise in the east. Golden splendor comes from Your mountains and You lay out the path for the lightning.

Today, we pray for those who need Your touch. Bless those who live in our world's shadows and empower the unnoticed doing their duty.

Strengthen our Senators. Inspire them to work diligently to establish peace and justice in our world. Teach them each day to be good stewards of Your manifold grace. Sustain all those who suffer in our world, who stagger beneath burdens too heavy to carry.

We pray this in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable LINCOLN D. CHAFEE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 13, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN D. CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Mr. CHAFEE thereupon assumed the Chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under a previous order, the leader time is reserved.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senate majority leader.

### SCHEDULE

Mr. FRIST. Mr. President, today we return to the consideration of the highway bill. Yesterday, cloture was invoked by a vote of 92 to 7. We were then able to reach an agreement for finishing the bill on Tuesday. Under that agreement, Senators may offer

amendments today from the limited list agreed to last night. Chairman INHOFE is here and may also have some cleared amendments to dispose of this morning.

I announced last night that no rollcall votes would occur today. The next rollcall vote will be Monday at approximately 5:30. On Monday, we will again resume debate on the highway bill. Senators will have the final opportunity to offer their amendments. We will vote on one or two of those amendments on Monday evening. That will allow the Senate to return to the measure Tuesday morning and vote on the remaining amendments and final passage.

After consulting with the chairman of the committee and the Democrat leader, we are hopeful most of these amendments will not require votes, that only a few remaining amendments will need rollcall votes prior to passage.

As I did last night, I commend the managers for their hard work. I look forward to finishing the bill early next week. We have spent 2 weeks on this bill and given plenty of opportunity, plenty of time for Members to come forward. They have done so. We are on a final glidepath to completion of this very important bill.

### PEACE OFFICERS' MEMORIAL SERVICE

Mr. FRIST. Mr. President, this Sunday marks the 24th anniversary of Peace Officers' Memorial Day. Each year, tens of thousands of law enforcement officers from around the country

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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gather in the Nation's Capital to honor their comrades lost in the line of duty. They are accompanied by wives, husbands, sons, and daughters, along with families of the fallen.

It is a solemn occasion. It is a sacred occasion. It reminds us of the tremendous sacrifices our police officers make to keep us safe. Every day around the clock they are on the front lines defending our neighborhoods and protecting our lives, our homes, protecting our freedoms.

When we need an officer to investigate a dark alley, quell a domestic dispute, to chase an armed suspect, or subdue a criminal, we call these dedicated professionals to save us from harm. And each and every time they take a risk that our distress call could be their last.

I share very briefly a few stories of our proud heroes from Tennessee who, last year, gave the ultimate sacrifice.

Officer Jason Michael Scott of Loudoun County was shot and died on March 12, 2004, after responding to a family dispute. The station got a call that a teenager was attacking his mother. Officer Scott was sent to the scene. As Officer Scott climbed out of his patrol car to walk up to the house, he was shot four times with a high-powered rifle. The 16-year-old shooter then barricaded himself inside the home and exchanged gunfire with responding officers. The gunfight raged on for more than 20 hours before the disturbed young man committed suicide. Officer Scott was only 24 years old. His first child, Jayden Nicole, was born 11 days after his death. Our prayers are with the Scott family.

Even routine calls can lead to unexpected tragedy. Officer Christy Jo Dedman of Nashville was helping a motorist on the side of Interstate 40, not too far from my home, when a tractor trailer hit and killed her. In the flash of an instant, in one random moment, her life was taken.

At the funeral of Officer Mark Vance in Bristol, TN, an officer remarked:

You always know when you go out that you are taking a risk but you do not think it is going to happen.

Officer Vance was only 30 years old when he was shot and killed on a domestic violence call. Our prayers are with each and every member of his family.

Tonight, the National Law Enforcement Officers' Memorial will hold a candlelight vigil to honor Officer Vance along with his fellow colleagues killed in the line of duty. Over 20,000 people are expected to attend the ceremony tonight. The names of the 153 heroes will be read, as will the names of 262 other fallen officers from years past.

On Sunday, a memorial service will be held on the West Front of the Capitol. The President will be on hand to honor these heroes. I look forward to paying my respects to each of these courageous men and women.

I will take a moment now to single out Tennessee's own who are included

on this solemn roster: Sergeant Andy Thaddeus Bailey of Jackson; Officer Christy Jo Dedman of Nashville; Patrolman Timothy Howard Dunn of Shelby County; Patrolman J. Matthew Rittenhouse of Harriman; Deputy Sheriff Jason Michael Scott of Lenoir City; Patrolman Marlon Allen Titus of Memphis; and finally, Mark Edward Vance of Bristol.

Our hearts go out to their families, friends, and colleagues who were made safer by their service. We all suffer their tragic loss. In their honor I pledge to keep working hard to show our commitment in the Senate.

Last year, I cosponsored the Law Enforcement Safety Act, which the President signed into law. This legislation had been the No. 1 priority for our Nation's law enforcement community for years. Finally, last year, Congress passed it. It is now the law of the land.

The new law allows current and retired police officers to carry a concealed weapon in any of the 50 States. America now has the added security of tens of thousands of trained and certified law enforcement officers serving and protecting us across the country and even into retirement.

There are more than 870,000 sworn law enforcement officers now serving communities across America, the highest number ever. I thank each and every one of them and their families for their selfless courage, their sacrifice, and their dedication to public safety. Each of these officers is a hero. I honor them. Each of these officers has a family who deserves our appreciation and gratitude for their sacrifice. May God bless our women and men in blue.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### SAFTEA PLANNING AND MITIGATION

Mr. JEFFORDS. Mr. President, the bill before us today recognizes some of the challenges that face States and metropolitan planning agencies when developing plans for future highway projects.

We have included natural resource and environmental factors for States and metropolitan planning agencies to consider when developing their transportation plans. They should consider protecting habitat, water quality and agricultural and forest land while minimizing invasive species.

While I am most familiar with aquatic invasive species such as the sea lamprey and the zebra mussel that are wreaking havoc on my beloved Lake

Champlain, nonnative species of vegetation have been degrading public and private property, degrading habitat, crops, and pastures.

State transportation planning agencies can become active stewards in roadside management by phasing out the uses of nonnative vegetation and reestablishing native plants on our rights-of-way. In addition to considering invasive species during the planning process, this bill makes funding available for the control of invasive plant species and establishment of native species.

To help States and metropolitan planning agencies assess the environmental impacts of proposed highway projects we suggest consulting with other State and local agencies. Those responsible for land use management, natural resources, environmental protection, conservation and historic preservation should compare transportation plans with State conservation plans.

This would include inventories of natural or historic resources and consideration of areas where wildlife crossing structures may be needed to ensure connectivity between wildlife habitat linkage areas.

This commonsense approach will assure that transportation planners will consider the location of important habitat, wetlands and other natural resources at the earliest stages of planning for new roads. These provisions will make project delivery faster and more efficient.

Currently, transportation projects are often planned without detailed information on core conservation areas, sensitive resources or important habitat that might lie within the selected corridor. These conflicts do not come to light until the environmental review process, which then becomes more expensive and time-consuming as transportation and resource officials try to reconcile infrastructure and conservation activities. These provisions will help transportation planners in avoiding unnecessary impacts on wildlife habitat and in mitigating for unavoidable impacts of a project.

These provisions encourage States to utilize available wildlife habitat data and maps to inform the long-range transportation planning process. Planners would be able to identify potential concerns at the earliest stage of planning, when options for minimizing impacts are greatest and costs of doing so are lowest.

Over 200 Americans die each year in wildlife-vehicle collisions, many more are injured and more than 1 million animals are killed on our roadways every day.

State and Federal agencies spend considerable time and money both protecting natural areas and building transportation infrastructure. Unfortunately, conservation and growth efforts often happen independently and then come into conflict during the permitting and construction phases of a

transportation project. These investments need to be coordinated. If conservation efforts are taken into account at the earliest stages of transportation planning, both priorities can be realized, in less time and at less cost.

While none of us have a crystal ball that can show us what the future will look like, through consultation, transportation planners can get a picture of the broader landscape and see what the consequences of a proposed project might be. In some instances, potential environmental and habitat impacts can be avoided.

The most significant threat to the biodiversity of this country is habitat loss. However, thoughtful, forward-looking transportation planning can go a long way towards reducing negative impacts and mitigating for unavoidable impacts. Over the next few decades, the decisions we make regarding highways and the ensuing loss of habitat will determine the fate of species and America's biodiversity. These provisions are aimed at helping to preserve that biodiversity through coordinated planning.

Another provision focuses on improving environmental stewardship in transportation projects by expanding the current eligibility for environmental restoration and pollution abatement from only those projects undergoing reconstruction, rehabilitation, resurfacing, or restoration to any project, as well as establish eligibility for invasive species control efforts.

Contributions to measures to control exotic and invasive plant species may precede, concur, or follow project construction if such measures are consistent with Federal law and State transportation planning processes. Finally, this bill recognizes that despite the best planning process, mitigation for impacts on habitat and natural resources from transportation projects may be necessary.

To help provide for needed mitigation, the bill allows the States to establish habitat and wetlands mitigation funds for efforts related to mitigation activities. The fund would allow States to undertake larger mitigation efforts based on the total impacts of multiple projects rather than the smaller scale of a single project. These changes to the planning process and increased consideration of environmental impacts will improve future transportation projects while protecting the environment.

This highway bill is about more than money. It is about balancing the needs of our Nation's transportation system with concerns about our natural habitats. We have done our best to strike that balance in this bill.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

The PRESIDING OFFICER. The Senate will resume consideration of H.R. 3, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

##### Pending:

Inhofe amendment No. 605, to provide a complete substitute.

Dorgan amendment No. 652 (to amendment No. 605), to provide for the conduct of an investigation to determine whether market manipulation is contributing to higher gasoline prices.

Inhofe (for Ensign) amendment No. 636 (to amendment No. 605), to authorize the State of Nevada to continue construction of the US-95 Project in Las Vegas, Nevada.

Allen/Ensign amendment No. 611 (to amendment No. 605), to modify the eligibility requirements for States to receive a grant under section 405 of title 49, United States Code.

Schumer amendment No. 674 (to amendment No. 605), to increase the transit pass and van pooling benefit to \$200.

Sessions Modified amendment No. 646 (to amendment No. 605), to reduce funding for certain programs.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, today I would like to spend a few minutes discussing an important provision in the highway bill before us.

Section 4(f) of the highway bill provides important protections for historic sites, parks, recreation areas, and wildlife and waterfowl refuges throughout the country. With the increasing demand for transportation projects, it is important that we not lose sight of our natural treasures. We need to balance the growing need for transportation with responsible stewardship of our history and natural resources.

In my State of Vermont, we have a wealth of history and natural beauty. To see the wildlife that populate the Missisquoi Wildlife Refuge or the covered bridges used by our forefathers—is to experience a heritage that we all want preserved for future generations. Section 4(f) has helped preserve these treasures.

The Revolutionary War site at Fort Veheance on Route 7 in Pittsford, VT, was avoided as a result of 4(f). An excellent collection of historic metal truss bridges across the Connecticut River were rehabilitated, not replaced, as a result of 4(f). A road in the Danville Historic District was narrowed in order to keep the historic characteristics of the historic village because of 4(f).

While constructing a new highway in Vermont, we have discovered a significant archeological site containing arti-

facts from Native Americans, providing us with a piece of history that until now was not known. By documenting this site, we will expand our knowledge of Vermont's Native Americans. Also, because of 4(f) protections, 4(f) is amended in this legislation.

The objective of this amendment is to allow transportation projects and programs to move forward more quickly, while maintaining the protections of 4(f). Those protections assure that there will be public notice and opportunity for public review and comment on proposed "de minimis" determinations for transportation projects. And that affected agencies will concur in the decision of the Secretary of Transportation that there will be no adverse impact on a historic site, recreation area, park, or wildlife or waterfowl refuge. The provision would require the Secretary of Transportation, when making a finding that a transportation project or program will have a "de minimis" impact, to consider all avoidance, minimization, mitigation, and enhancement measures that have been incorporated into the project.

This provision allows project sponsors to incorporate environmentally protective measures into the project from the beginning, in order to support a finding of "de minimis" impact.

These mitigation measures must be carried out and be shown to have the intended impact. If they are not having the intended impact, other measures must be used to ensure no adverse impact. This is an important strengthening of the 4(f) program that will protect our heritage while planning for needed transportation projects.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first, I thank the ranking member of our committee, Senator JEFFORDS, for the hard work he has done, as well as Senator BAUCUS and Senator GRASSLEY, who have worked very hard and, of course, Senator BOND, who is chairman of the transportation subcommittee of the committee I chair.

This has been 3 years in the making. What we are looking at right now is very significant. We are to the point now where we are down to a handful of amendments that remain—probably the most significant bill that would be passed this year. It appears that under the rules of cloture, we probably will have our vote on this and be able to take amendments between 2 o'clock and 4 o'clock on Monday, and vote on some amendments starting at 4 p.m. I hope we vote on quite a few. I think we will end up with about six more total votes before this is done.

If we get some of those out of the way Monday night, by Tuesday, when we go in, we will be able to finish and have final passage on this bill and send it to conference. We went through this exercise a year ago and we were able to get it to conference. Unfortunately, we lacked one signature of getting a conference report and getting it back here.

This time that will not happen. People are aware of the fact it is critical that we have a bill. We cannot operate on any more extensions.

Let me remind everyone there are two choices right now. We are operating under six extensions. When you have an extension, all you do is take the previous authorization and extend it. That means you don't get any of the good things we have done in putting this bill together. We are operating on a bill that passed 7 years ago. We have done some things that are far better for America and for every State represented if we pass the bill as opposed to an extension. If we pass a bill, we are going to be able to take care of donor States' rate of return. If we don't pass a bill, we will not be able to do that. Last year's bill would have brought every State from the 90.5-percent participation up to 95 percent. Since this is not funded at as high a level as it was last year, it would only guarantee an ultimate return of 92 percent.

One of the biggest parts of this program—and we have been calling it SAFETEA because we have the SAFETEA core programs included. They came through the Commerce Committee. When you look at the deaths on the highways and the problems we are having out there—in my State of Oklahoma, we have had two deaths from bridge accidents, crumbling and falling on people and cars down below. Without the bill, we won't be able to have those SAFETEA programs. It is a matter of life and death to have this bill, streamlining provisions in order for us to act quickly and get these roads built. That will not happen under an extension. We will have to pass the bill.

In this bill, we actually put together a national commission to explore new ways of financing roads. When you look at our National Highway System, as Senator JEFFORDS and I have mentioned several times, it started in the 1960s, during the Eisenhower administration. It came to his attention that we had a problem when he was Major Eisenhower during World War II and trying to move services and troops and personnel and equipment across America. He realized the problems. When he became President, he started the National Highway System. It is built now—not maintained but built. We have been financing roads, bridges, and maintenance in the same way for almost 50 years now. We have this national commission that will explore new ways to get private participation in funding and transfer most of this to the States, where it belongs. That is not going to happen if we are on an extension.

There is Routes to School Program. We have had young people die and this addresses that. Again, if we don't pass the bill, we will not have the Safe Routes to School provisions, and we are going to have to operate on an extension. That is not acceptable.

There are border programs. We have several border States and we need to address their special needs with the transportation as a result of NAFTA and other programs, coming from other countries through the United States. We have a border program to accommodate that. We are not going to have it if we don't have the bill passed, because there will be an extension of a 7-year-old bill.

Lastly, is the firewall protection of the trust fund. I think everyone knows there is an irresistible propensity around Washington to spend other people's money, and when they see an opportunity to get a pet project by taking something out of the trust fund, they do it. Consequently, we have a lot of policies that are passed here, whether it is using ethanol or fuel-efficient cars, these programs to encourage them to do it, they get benefits and that comes out of the trust fund. That is a raid on the trust fund. This builds firewalls so that cannot happen. Without that, the raids will continue. That is why it is important we pass this bill. I know we are going to pass it. We have no doubt about that. Last year, we passed it to conference 76 to 21. I anticipate we will have that same margin of victory when we send this bill to conference.

We have been appealing for people to bring amendments to the floor. We are to the point now where people are working on the amendments, so that is going to have to wait until Monday afternoon. Again, that will be between 2 and 4 o'clock. I hope staff will be sure to advise their Members that is the time we will want to consider these amendments. If they want a vote on Monday, they better have their amendment down here, discussed, and debated between 2 and 4 o'clock.

The last point I want to mention is that somebody has received very unjust criticism. We have done a very good job—keep in mind we have been working on this 3 years now—we have done a very good job on the formula approach. What we want to do in our Senate bill is equitably distribute money to States based on certain criteria to be considered.

For example, if you are a donor State, then there is a factor that adjusts the distribution that comes to the State. If you are a donee State, it is the same thing. If you are an owed State, it is the same thing. If you are a small State or a State with low population, such as Montana and Wyoming, that is a factor in this formula.

We have factors on the death rate. My State of Oklahoma has a higher-than-average death rate on the highways on a per capita basis. It tells you something. What it tells you is there is a problem. We are going to have to correct the problem because people are dying.

The bottom line is, this is a life-or-death bill. So it is very important that we get this done. I appreciate the dedication of what we refer to as the big

four, the leaders of this legislation—the chairman of the committee, which is myself, Senator BOND, Senator JEFFORDS, and Senator BAUCUS. It has been a great team effort. It has been a bipartisan effort. There has not been one vote that has not been bipartisan. That is a change around here—people are working together. Maybe we will learn a lesson and this will expand to some of the other areas.

It is my understanding, unless someone else has something to say about the bill—we have covered it pretty well now for the last 10, 12 days—we are down to the short rows, and we are ready to move on to the 2 hours on Monday and then, of course, final passage on Tuesday.

#### MORNING BUSINESS

Mr. INHOFE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### CODE TALKERS RECOGNITION ACT

Mr. INHOFE. Mr. President, during World War II, Native Americans heard the call of their country and enlisted in the Armed Services in unprecedented numbers. Many of these brave men performed the role of code talkers, using a code language derived from a variety of American Indian languages to ensure secure and rapid communication of information on the battlefield. Through three wars and five decades, enemy forces were never able to break the U.S. code language thanks to the service and ingenuity of Native American code talkers. These patriots provided an invaluable service to the United States and our allies and deserve recognition for their bravery.

Until 1968, information related to the code talker's activities during both World Wars remained classified by the Department of Defense. The postponement in learning about the essential role of Native American Code Talkers has resulted in delayed recognition of these war heroes. The first step in recognizing these men came in 2000 when President Bush signed into law legislation authorizing Congress to award gold medals to the 29 Navajo code talkers as well as a silver medal to each man who later qualified as a Navajo code talker. While this legislation was a step in the right direction, it failed to recognize a number of Native Americans who also served as code talkers but were not members of the Navajo Nation.

During the first World War, Choctaw code talkers served with distinction in France. By transmitting in their native tongue a variety of open voice messages relating to unit movements, U.S. forces completely surprised the enemy during battle. Following the success of the Choctaw code talkers,

soldiers from the Navajo, Sioux, Comanche and Meskwaki tribes, along with members of 14 other tribes, served as code talkers in some of the most dangerous operations in both theaters of World War II.

Today I introduce the Code Talkers Recognition Act to honor those who were overlooked when medals were awarded to the Navajo code talkers in 2001. This bill authorizes the presentation of commemorative medals on behalf of Congress to Native Americans who served as code talkers during any foreign conflict in which the United States was involved during the 20th century. I ask my colleagues to help honor the heroic contributions of these gentlemen by cosponsoring and passing this legislation.

#### PASSING OF CONGRESSMAN PETER RODINO JR.

Mr. CORZINE. Mr. President, I want to take a moment to acknowledge the passing of Congressman Peter Rodino.

We have lost a great man, a great New Jerseyan, and a great American.

I had the most profound respect for Congressman Rodino's wisdom, fairness, honesty and sense of justice. He emerged a leader during one of the most difficult times in our Nation's history and he was more than equal to the task.

Congressman Rodino was born in Newark, NJ. The son of Italian immigrants, he rose to prominence from humble origins, working his way through law school and attending classes at night to earn his degree.

During World War II, he served his country with distinction, earning a Bronze Star. He returned a captain after having been promoted in the field.

Upon his return, he sought public office. He was elected to the House of Representatives in 1948 and would serve in the House for 40 years. And during those years, Congressman Rodino earned the respect of his colleagues and the loyalty of his constituents. He sponsored the Civil Rights Act of 1966 and authored its fair employment practices amendment; he played an integral part in the drafting of numerous pieces of civil rights legislation. We can also thank him for sponsoring the bill making Columbus Day a holiday.

Many, however, remember Congressman Rodino most for his role in Watergate as chairman of the Judiciary Committee.

During Watergate, a tumultuous period for our country, we needed a touchstone for honesty, fairness, and bipartisanship. Congressman Rodino was that touchstone. Tip O'Neill said of his fellow representative: "He's enhanced the stature of Congress when we were at a low ebb." He earned the trust and respect of his fellow Democrats and Republicans.

He was a public servant in the truest sense of the phrase. We all can only hope to serve as he would and to rep-

resent our constituents with equal honor and grace.

My heartfelt sympathies go out to his family and friends. We all mourn his passing.

#### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2133. A communication from the Acting General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation entitled "Collateral Valuation Improvement Act of 2005"; to the Committee on Finance.

EC-2134. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004" (Notice 2005-39) received on May 11, 2005; to the Committee on Finance.

EC-2135. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: 'Notice 2002-50' Tax Shelter" (Uniform Issue List Number: 9300.21-00) received on May 11, 2005; to the Committee on Finance.

EC-2136. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: 'Notice 2002-65' Tax Shelter" (Uniform Issue List Number: 9300.22-00) received on May 11, 2005; to the Committee on Finance.

EC-2137. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2005-16 and Volume Submitters" (Announcement 2005-37) received on May 11, 2005; to the Committee on Finance.

EC-2138. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the fourth annual report relative to the College Scholarship Fraud Prevention Act of 2000; to the Committee on Commerce, Science, and Transportation.

EC-2139. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's annual report on the regulatory status of the National Transportation Safety Board's (NTSB)

"Most Wanted" Recommendations to the Department of Transportation for calendar year 2004; to the Committee on Commerce, Science, and Transportation.

EC-2140. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the 43rd Annual Report of the Commission's activities for fiscal year 2004; to the Committee on Commerce, Science, and Transportation.

EC-2141. A communication from the Deputy Assistant Chief Counsel, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Whistle Bans at Highway-Rail Grade Crossings" (RIN2130-AA71) received on May 3, 2005; to the Committee on Commerce, Science, and Transportation.

#### 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. ALEXANDER (for himself and Mr. WARNER):

S. 1034. A bill to provide for local control for the siting of windmills; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself, Mr. JOHN-SON, Mr. THUNE, Mr. GRASSLEY, and Mr. HARKIN):

S. 1035. A bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States; to the Committee on Banking, Housing, and Urban Affairs.

#### ADDITIONAL COSPONSORS

S. 610

At the request of Mr. TALENT, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 610, a bill to amend the Internal Revenue Code of 1986 to provide for a small agri-biodiesel producer credit and to improve the small ethanol producer credit.

S. 914

At the request of Mr. ALLARD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 914, a bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALEXANDER (for himself and Mr. WARNER):

S. 1034. A bill to provide for local control for the siting of windmills; to the Committee on Energy and Natural Resources.

Mr. ALEXANDER. Mr. President, I am here today to introduce, along with the Senator from Virginia, Mr. WARNER, the Environmentally Responsible Wind Power Act of 2005.

The legislation that Senator WARNER and I offer provides for local authorities to be notified and have a role in the approval of the signing of tens of thousand of massive wind turbines that will be built in America under current policies. It also ensures that the Federal Government does not subsidize the building of these windmills, which are usually taller than a football field is long, within 20 miles of a military base or a highly scenic location, such as a national park or offshore.

Senator WARNER and I introduce our legislation today because next week the Senate Energy Committee is scheduled to begin markup on one of the most important pieces of legislation in this session, an energy bill. The Energy Committee's work, combined with the work of the Environment and Public Works Committee, which the distinguished occupant of the chair chairs, and the Finance Committee should this year produce a Clean Energy bill that will, over time, lower prices of natural gas and oil and reduce our dependence on overseas oil. This will be legislation for American blue-collar workers, for farmers, and for homeowners. It is urgently needed.

Natural gas prices are the highest in the industrialized world. Gasoline prices are at record levels. We cannot keep our jobs and our standard of living if we do not put in place policies that will provide our country with new steps toward conservation and an adequate supply of low-cost, reliable, clean American produced energy. Senator WARNER and I both intend to be in the middle of this discussion. He is a senior member of the Environment and Public Works committee. I am chairman of the Energy Subcommittee.

I am grateful for, and I am greatly encouraged by, the leadership of the Energy Committee chairman Senator DOMENICI, and the ranking Democrat, Senator BINGAMAN, and the committee staff who have worked especially hard to create a framework for a more aggressive bipartisan piece of legislation than we were able to produce last year.

One part of our energy debate will be about wind power, which is the subject of the legislation that Senator WARNER and I offer today. We are introducing this because several of our colleagues have proposed something called a renewable portfolio standard, or RPS, which would require power companies to produce 10 percent of all their electricity from renewable sources by 2025. These renewable sources are wind, hydro, solar, geothermal, and biomass. Today, these renewable sources produce about 9 percent of U.S. electricity needs.

This RPS is not to be confused with the renewable fuel standard which is a different sort of requirement, one that gasoline contain a certain percentage of ethanol. That matter is the subject for the jurisdiction of another committee. A renewable fuel standard is entirely different from a renewable portfolio standard and may well be part of the final legislation.

It is important for our colleagues to know that a renewable portfolio standard, or RPS, is all about wind. There are limited opportunities to build new dams today in order to expand hydropower, and hydro produces 7 of the 9 percent of renewable power that we have in America today. Of the remaining 2 percent of our electricity that is produced by other renewable sources, current subsidies are not enough to increase solar power by very much.

More research and development is needed to make biomass more efficient, and there is a limited amount of geothermal power that is drawing power from water that is heated underground, which leaves wind power. Experts agree that the bottom line is that a requirement that electric companies produce 10 percent of their electricity from renewable energy, if it could be achieved at all, would mean about 70 percent of the increase would come from wind. In other words, we would go from producing about 1 percent of America's electricity from wind to about 7 or 8 percent.

Testimony before our Energy Committee and most other sources suggest that to produce this much wind energy in the United States could require building more than 100,000 new massive wind turbines. We have less than 7,000 such windmills in the United States today, with the largest number in Texas and California. Testimony before our committee also indicated that even without the RPS, if Congress continues its generous subsidy for wind production for the next 10 years—it will guarantee that we have these 100,000 windmills or more by the year 2025. According to the Treasury Department, this wind subsidy, if renewed each year for the next 5 years, would reimburse wind investors for 25 percent of the cost of wind production and cost taxpayers \$3.7 billion over those 5 years.

I'm told that General Electric Wind, one of the largest manufacturers of wind turbines, has experienced a 500-percent growth in its wind business this year due to the renewal of the wind production tax credit last year.

I want to make sure my colleagues know that there are serious questions about how much relying on wind power will raise the cost of electricity, questions about whether there are better ways to spend \$3.7 billion in support of clean energy, and questions about whether wind even produces the amount of energy that it is claimed to produce.

My studies suggest that at a time when America needs large amounts of low-cost reliable power, wind produces puny amounts of high-cost unreliable power. We need lower prices. Wind power production raises prices. We will have an opportunity in our debates and further hearings to examine these questions.

The legislation Senator WARNER and I offer today is about a different question: the siting or location of 100,000 of these massive machines. Now, the idea

of windmills conjures up pleasant images in Tennessee and, I am sure, in Oklahoma, of Holland and tulips, images of rural America with windmill blades turning slowly, pumping water at the farm well.

My grandparents had such a windmill at their well pump. That was back before rural electrification. The windmills we are talking about today are not our grandmother's windmills. Each one of these windmills is typically 100 yards tall, two stories taller than the Statue of Liberty, taller than a football field is long. These windmills are wider than a 747 jumbo jet. Their rotor blades turn at 100 miles per hour. These towers and their flashing red lights can be seen from more than 25 miles away. Their noise can be heard for up to a half a mile away. It is a thumping and swishing sound. It has been described by residents who are unhappy with the noise as sounding like a brick wrapped in a towel tumbling in a clothes dryer on a perpetual basis.

These windmills produce very little power since, of course, they only operate when the wind blows enough or when it does not blow too much. So they are usually placed in large wind farms covering huge amounts of land.

This is an example of what they look like. In comparison, we often worry about offshore drilling for oil and gas. In fact, Senator JOHNSON and I have introduced legislation that would permit States to expand the use of offshore oil and gas. Offshore oil and gas rigs can be placed far out to sea, where nobody on shore can see them. Compare that with the power produced by today's massive wind turbines. It would take 46 square miles of these windmills spread across the landscape to equal one oil or gas rig that one could not see.

As an example, the Congress ordered electric companies to build 10 percent of their power from renewable energy which, as we have said, has to be mostly wind. If we renew the current subsidy each year, by the year 2025 my State of Tennessee would have about 1,700 of these windmills, which would cover land almost two times the size of the city of Knoxville, TN. If Virginia, Senator WARNER's State, were to produce 10 percent of its power from wind by 2025 and the subsidies continue, it would probably need more than 1,700 windmills. These windmills would take up enough land to equal the land mass of three cities the size of Richmond, VA. In North Carolina, to supply 10 percent of the electricity from wind, it would take almost the land mass of the Research Triangle, the Raleigh-Durham-Chapel Hill area. According to testimony before our committee, in Tennessee and Virginia these windmills would work best and perhaps work only at all along the ridge tops.

So this is what things might be looking like. This is a picture of the Grand Canyon in the West, but we can imagine what it might look like in the East. If our present policies on wind are continued, we could expect to see hundreds



of football-field sized towers as wide as jumbo jets with flashing red lights atop the Blue Ridges of Virginia, above the Shenandoah Valley, along the foothills of the Great Smoky Mountains, on top of Signal Mountain, on top of Lookout Mountain and Roan Mountain in Tennessee, and down the Tennessee River gorge which the city of Chattanooga has just spent 25 years protecting, and now it calls itself the scenic city.

I hope we decide there are better ways to provide clean energy than to spend \$3.7 billion of taxpayer dollars over the next 5 years on windmills. I hope we decide we need a real national energy policy instead of a national windmill policy. I hope we decide there are better and cheaper ways to discuss carbon. At least there are some important questions we need to answer.

What will this number of windmills do to our tourism industry? Will 10 million visitors who come a year to enjoy the Great Smoky Mountains really want to come to see ridge tops with flashing red lights and 100-yard tall windmills? What happens to electric rates when the Federal subsidy disappears in a few years? Who will take down these massive structures if we decide we do not like them or if they do not work? Who is making the money on all of this, and why are some European countries who pioneered wind farms now slowing down or even stopping their construction in some places?

Clearly, there are likely to be more sensible ways to provide clean energy than spending \$3.7 billion of taxpayer money over the next 5 years to destroy the American landscape. For example, \$3.7 billion would provide enough money to give 185,000 Americans a \$2,000 subsidy to buy a hybrid or a clean diesel vehicle, which would be about double the number of hybrid cars expected to be sold in the United States during this year. Hybrid cars burn about 60 percent of the amount of gasoline that conventional cars burn. Or \$3.7 billion would provide enough money for loan guarantees to help launch a dozen new clean coal gasification plants and help transform the marketplace with new technology for clean American-produced energy that would lower natural gas prices and reduce our dependence on foreign oil. For \$3.7 billion, we could provide loan guarantees for at least half a dozen new technology nuclear powerplants and have a billion dollars left over for research and development on the recapture of carbon that might be produced by coal plants or to encourage conservation prices.

Just by way of comparison, a nuclear powerplant such as the Tennessee Valley Authority's Sequoyah nuclear plant would produce about the same amount of energy as the windmills, which a renewable portfolio standard and the tax subsidy would build in Tennessee. The electricity would be available even when the wind was not blowing. So while we are debating the wisdom of wind policies over the next sev-

eral weeks, these massive turbines are being built across America, 6,700 of them so far, 29 of them in Tennessee.

The Tennessee Valley Authority recently announced it had signed a 20-year contract with a group of investors from Chicago to build 18 huge windmills atop a 3,300-foot ridge on Buffalo Mountain in east Tennessee. So the purpose of our legislation being offered today is to give citizens the opportunity to have some say in where these massive structures are located in their communities and to make sure that the Congress does not subsidize the destruction of the American landscape near our national parks or other highly scenic areas or build such tall structures dangerously close to our military bases.

First, the bill ensures that local authorities are notified and have a role in the approval of new windmills to be built in their areas of jurisdiction. This means that at the same time a proposed windmill is filed with the Federal Energy Regulatory Commission, FERC would notify the local authority with zoning jurisdiction. Under this bill, within 120 days, local authorities may support or oppose the project. If they support it, the windmill may qualify for FERC marketbased rates—that means allowed to charge wholesale prices—and may be exempt from a series of regulations that restrict the operations of public utilities. If local authorities oppose the windmill, it may still go forward but subject to regulations—we call them PUCHA—and unable to charge wholesale rates or issue a qualified rate schedule. If no action is taken by the local authority, the FERC process would proceed as though the authority were in support.

I believe it is crucial that local authorities have a chance to consider the impact of such massive new structures before dozens or hundreds of them begin to be built in their communities. In many other instances involving the location of facilities generating power, State and local governments have developed laws giving citizens an opportunity to comment or even stop the location of facilities they do not want. Our legislation gives communities that do not have such laws the chance to do just that, and then this legislation sunsets or expires in 7 years.

The second thing our legislation would do is provide protection to highly scenic areas and at military bases. I do not think we want to see hundreds of windmills in the Grand Canyon or just outside the Grand Canyon or in the foothills of the Great Smokies or when we go to see the Grand Tetons. There are plenty of places we do not want to see that. This makes sure it does not happen. It does so by eliminating tax subsidies for any windmills within 20 miles of a world heritage area, which includes many national parks, and within 20 miles of military bases or offshore.

Under the bill, placement of a windmill within 20 miles of such a site shall

also require the completion of an environmental impact statement. Further, any windmill that is to be constructed within 20 miles of a neighboring State's border may be vetoed by that neighboring State. In other words, if the neighboring State can see it and does not want it, they can veto it.

I used the same kind of analogy when I introduced legislation to allow offshore drilling since offshore drilling can be put so far off sight that one does not need to see it. If Virginia wants to do it and North Carolina can see it and they do not like it, they can veto it. I believe the same thing should apply to these massive windmills.

I believe that during our debates, we will find that there are better ways to produce a low-cost reliable supply of American energy than by spending \$3.7 billion over the next 5 years, requiring power companies to produce energy from giant windmills that raise electric rates, only work when the wind blows, and destroy the American landscape.

The legislation that Senator JOHNSON and I have introduced, the Natural Gas Price Reduction Act of 2005, includes support for aggressive conservation, new clean coal gas plants, new supplies of domestic natural gas, and, for the time being, easier import of liquefied natural gas. We did this because natural gas is at \$7 a unit around the world, and that needs to change. In the USA, it is the highest priced gas anywhere in the industrial world. The chemical plants in Oklahoma, Colorado and Tennessee will find it likely that they will be moving their jobs to other parts of the world where the price of natural gas is not so high.

(Mr. ALLARD assumed the Chair.)

Mr. ALEXANDER. I believe there is an important place in our energy bill for renewable fuels such as ethanol, and I believe there is an important place for renewable energy sources. For example, the legislation Senator JOHNSON and I introduced a few weeks ago would increase from 10 percent to 30 percent the tax credit for commercial investments in solar technology that generates electricity, heats or cools a structure, uses fiber optics, and illuminates a building or provides solar process heat. It provides a similar 30-percent tax credit for a solar system that heats a home. But it is important to keep in mind that, aside from wind, renewable energy can only provide about 3 percent of America's total energy needs over the next 20 years. I am excluding from that, also, hydro.

In the United States of America, the wholesale destruction of the American landscape is not an incidental concern. The great American outdoors is an essential part of the American character. Italy has its art, Egypt has its pyramids, England has its history, and we have the great American outdoors. In fact, the song "America the Beautiful" was written in Colorado, the State of the Presiding Officer. We care about that.

In my home County of Blount County, TN, my father and lots of other people worked at the Alcoa plant for many years to save money and buy a home. Where did they want to buy a home? They wanted to buy a home on streets that were named Mountain View, or Scenic Drive, because they loved to look at the Great Smoky Mountains.

While we debate the merits of so much subsidy and reliance on wind power, we should at the same time protect our national parks, our shorelines, and our other highly scenic areas. And we should give American citizens the opportunity to protect their communities and landscapes before it is too late.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1034

*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 "Environmentally Responsible Windpower Act of 2005".

#### SEC. 2. LOCAL CONTROL FOR SITING OF WINDMILLS.

(a) **LOCAL CONTROL.**—Prior to the Federal Energy Regulatory Commission issuing to any onshore and above-water wind turbine project its Exempt-Wholesale Generator Status, Market-Based Rate Authority, or Qualified Facility rate schedule, the wind project shall file with the Federal Energy Regulatory Commission its Local Approval Authorization.

(b) **LOCAL APPROVAL AUTHORIZATION.**—

(1) In this section, the term "Local Authorities" means the governing body, and the senior executive of the body, at the lowest level of government that possesses authority under State law to carry out this Act.

(2) Local Approval Authorization is a resolution from the local governing body and local senior executive (collectively, the "Local Authorities") approving or denying the siting of such wind project.

(3) Such resolution approving or denying the project shall be produced by the Local Authorities within 120 days of the filing of the Market-Based Rate application or Federal Energy Regulatory Commission Form number 556 (or a successor form) at the Federal Energy Regulatory Commission.

(4) If such resolution is not issued by the local authorities within 120 days of the filing of the Market-Based Rate application or Federal Energy Regulatory Commission Form number 556 (or a successor form) at the Federal Energy Regulatory Commission, then such project is deemed to have obtained its Local Approval Authorization.

(5) Applicant shall notify in writing the local authorities on the day of the filing of such Market-Based Rate application or Federal Energy Regulatory Commission Form number 556 (or a successor form) at the Federal Energy Regulatory Commission. Evidence of such notification shall be submitted to the Federal Energy Regulatory Commission.

(6) The Federal Energy Regulatory Commission shall notify in writing the local authorities within 10 days of the filing of such Market-Based Rate application or Federal Energy Regulatory Commission Form num-

ber 556 (or a successor form) at the Federal Energy Regulatory Commission.

(7) If the Local Authorities deny the siting of a wind project, the Federal Energy Regulatory Commission shall not issue to the project Market-Based Rate Authority, Exempt Wholesaler Generator Status, or Qualified Facility rate schedule.

(c) **DETERMINATION OF NEIGHBORING STATES.**—

(1) In this subsection, the term "viewshed" means the area located within 20 miles of the boundary of a State.

(2) If an offshore, above-water windmill project under this section is located within the viewshed of an adjacent State, the adjacent State may determine that the project is inconsistent with the development plan of the State under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

(3) If a State makes a determination under paragraph (2), the affected windmill project shall terminate.

(d) **HIGHLY SCENIC AREA AND FEDERAL LAND.**—

(1) A Highly Scenic Area is—

(A) an offshore area;

(B) any area listed as an official United Nations Educational, Scientific, and Cultural Organization World Heritage Site, as supported by the Department of the Interior, the National Park Service, and the International Council on Monuments and Sites;

(C) any area nominated by the Department of the Interior and the Federal Interagency Panel for World Heritage to become an official United Nations Educational, Scientific, and Cultural Organization World Heritage Site; or

(D) any Armed Forces base located in the United States.

(2) A Qualified Wind Project is any above-water wind-turbine project located in a Highly Scenic Area or within 20 miles of the boundaries of an area described in subparagraph (B), (C), or (D) of paragraph (1).

(3) Prior to the Federal Energy Regulatory Commission issuing to a Qualified Wind Project its Exempt-Wholesale Generator Status, Market-Based Rate Authority, or Qualified Facility rate schedule, an environmental impact statement shall be conducted and completed by the lead agency in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). If no lead agency is designated, the lead agency shall be the Department of the Interior.

(4) The environmental impact statement determination shall be issued within 12 months of the date of application.

(5) Such environmental impact statement review shall include a cumulative impacts analysis addressing visual impacts and avian mortality analysis of a Qualified Wind Project.

(6) A Qualified Wind Project shall not be eligible for any Federal tax credit.

(e) **EFFECTIVE DATE.**—

(1) This section shall expire 7 years after the date of enactment of this Act.

(2) Nothing in this section shall prevent or discourage environmental review of any wind projects or any Qualified Wind Project on a State or local level.

By Mr. INHOFE (for himself, Mr. JOHNSON, Mr. THUNE, Mr. GRASSLEY, and Mr. HARKIN):

S. 1035. A bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United

States; to the Committee on Banking, Housing, and Urban Affairs.

Mr. INHOFE. Mr. President, during World War I and II, Native Americans heard the call of their Country and enlisted in the United States Armed Services in unprecedented numbers. Many of these brave men performed the role of code talkers, using a code language derived from a variety of American Indian languages to ensure secure and rapid communication of information on the battlefield. Through three wars and five decades, enemy forces were never able to break the United States code language thanks to the service and ingenuity of Native American Code Talkers. These patriots provided an invaluable service to the United States and our allies and deserve recognition for their bravery.

Until 1968, information related to the code talker's activities during both World Wars remained classified by the Department of Defense. The postponement in learning about the essential role of Native American Code Talkers has resulted in delayed recognition of these war heroes. The first step in recognizing these men came in 2000 when President Bush signed into law legislation authorizing Congress to award gold medals to the twenty-nine Navajo Code Talkers as well as a silver medal to each man who later qualified as a Navajo Code Talker. While this legislation was a step in the right direction, it failed to recognize a number of Native Americans who also served as code talkers but were not members of the Navajo Nation.

During the first World War, Choctaw code talkers served with distinction in France. By transmitting in their native tongue a variety of open voice messages relating to unit movements, United States forces completely surprised the enemy during battle. Following the success of the Choctaw code talkers, soldiers from the Navajo, Sioux, Comanche and Meskwaki tribes, along with members of 14 other tribes, served as code talkers in some of the most dangerous operations in both theaters of World War II.

Today I introduce the Code Talkers Recognition Act to honor those who were overlooked when medals were awarded to the Navajo Code Talkers in 2001. This bill authorizes the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during any foreign conflict in which the United States was involved during the 20th Century. I ask my colleagues to help honor the heroic contributions of these gentlemen by cosponsoring this bill.

#### 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 Friday, May 13, 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.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for up to 15 minutes.

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

Mr. ALEXANDER. I thank the Senator from Oklahoma for assuming the Chair, and I congratulate him for the progress on the highway bill. He has been working on the bill ever since I have been in the Senate. It looks like it is ready to be passed.

THE PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. I thank the Chair. (The remarks of Mr. Alexander pertaining to the introduction of S. 1034 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALEXANDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

#### ORDERS FOR MONDAY, MAY 16, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. on Monday, May 16. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders reserved, and the Senate then resume consideration of H.R. 3, the highway bill.

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

#### PROGRAM

Mr. FRIST. Mr. President, on Monday the Senate will resume consideration of the highway bill. As a reminder, we reached an agreement last night that limits the final list of amendments in order prior to passage. Those amendments also must be offered no later than 4 p.m. on Monday afternoon. Senators who have amendments on the list should make themselves available to come to the floor Monday afternoon in order to get their amendments pending. We will also have at least one rollcall vote Monday,

beginning at 5:30 p.m. That vote will be in relation to an amendment on the highway bill, and it is possible we will stack another amendment for a vote to follow the 5:30 vote.

I do thank the chairman and ranking member, who have been here throughout the week working through amendments and moving this important legislation forward. Thanks to their efforts, we were able to establish a roadmap that will allow us to move to passage of the bill on Tuesday of next week.

#### ADJOURNMENT UNTIL MONDAY, MAY 16, 2005, AT 2 P.M.

Mr. FRIST. Mr. President, 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 11:42 a.m., adjourned until Monday, May 16, 2005, at 2 p.m.

#### NOMINATIONS

Executive nomination received by the Senate May 13, 2005:

##### DEPARTMENT OF JUSTICE

JAMES B. LETTEN, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE EDDIE J. JORDAN, JR., RESIGNED.