

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 Vehemence 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,