

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.

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#### 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.

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#### 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. 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.

#### 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.