

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.