

SENATE RESOLUTION 729—EXPRESSING THE OPPOSITION OF THE SENATE TO A PROPOSED REGULATION BY THE ENVIRONMENTAL PROTECTION AGENCY, NOW UNDER REVIEW IN THE OFFICE OF MANAGEMENT AND BUDGET, THAT WOULD UNDERCUT AIR QUALITY PROTECTIONS ESTABLISHED BY CONGRESS IN THE CLEAN AIR ACT AMENDMENTS OF 1977 FOR NATIONAL PARKS, NATIONAL WILDERNESS AREAS, NATIONAL MONUMENTS, AND NATIONAL SEASHORES

Mr. ALEXANDER (for himself, Mrs. BOXER, Ms. COLLINS, Mr. CARPER, Mr. WARNER, Mr. BINGAMAN, Ms. SNOWE, Mr. SALAZAR, Mrs. DOLE, and Mr. TESTER) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 729

Whereas, in 1977, under part C of title I of the Clean Air Act (42 U.S.C. 7470 et seq.), the prevention of significant deterioration (PSD) program was established “to preserve, protect, and enhance the air quality in national parks, national wilderness areas, national monuments, national seashores, and other areas of special national or regional natural, recreational, scenic, or historic value”, which areas are known as class I areas;

Whereas Congress sought to protect air quality in class I areas through, among other things, the establishment of strict limits on additional amounts of air pollution, known as increments, allowed in class I areas over baseline conditions;

Whereas Congress required protection of air quality not just from long-term pollution increases, but also from short-term fluctuations and spikes, and Congress therefore created and required both annual and short-term increments;

Whereas, on June 6, 2007, the Environmental Protection Agency (EPA) proposed a rule under the PSD program that would replace the congressionally-established short-term pollution increments with less protective annual average emission rates;

Whereas, according to the National Park Service Comments on EPA’s Proposed Rule Regarding PSD Increment Modeling Procedures Clarification/Modification (ER No.: DEC-06/0006), “the protection of short term PSD increments cannot be assured using annual average emission rates”, and the proposed rule “ignores . . . reality”;

Whereas EPA’s proposed rule would make multiple additional changes to the PSD program that conflict with Congress’s statutory scheme, set forth in section 160 of the Clean Air Act (42 U.S.C. 7470), “to preserve, protect, and enhance the air quality in national parks, national wilderness areas, national monuments, national seashores, and other areas of special national or regional natural, recreational, scenic, or historic value”;

Whereas during EPA’s initial review of the PSD proposal in 2007, each of EPA’s 10 regional offices expressed grave concerns that the changes to the PSD program proposed by EPA would undermine protection of air quality in class I areas;

Whereas EPA submitted a proposed PSD rule to the Office of Management and Budget in October 2008 that did not incorporate the concerns expressed by the National Park Service and EPA regional offices;

Whereas half of EPA’s 10 regional administrators formally dissented from the draft final rule now under review in the Office of Management and Budget, and 4 other EPA

regional administrators criticized the draft final rule in writing; and

Whereas the National Park Service and all 10 EPA regional offices have uniformly concluded that EPA’s proposed changes to the PSD program would make it easier for large pollution sources to locate closer to national parks, national wilderness areas, national monuments, and national seashores, leading to more harmful air pollution in these areas: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that air pollution levels in class I areas can vary significantly over the course of a year, a month, or even a day, and that short-term pollution spikes are capable of endangering visitors, wildlife, and scenic values in national parks, national wilderness areas, national monuments, national seashores, and other class I areas;

(2) affirms that the PSD program is intended to preserve, protect, and enhance air quality in class I areas not just over the long term, but also over the shorter time periods delineated in the Clean Air Act (42 U.S.C. 7401 et seq.);

(3) finds that EPA has proposed multiple changes to the PSD program that would conflict with Congress’s statutory scheme to preserve, protect, and enhance the air quality in national parks, national wilderness areas, national monuments, national seashores, and other areas of special natural, recreational, scenic, or historic value; and

(4) expresses its opposition to EPA’s proposed rule entitled “Prevention of Significant Deterioration New Source Review: Refinement of Increment Modeling Procedures” (72 Fed. Reg. 31372 (June 6, 2007)), and urges the rule be withdrawn.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on December 10, 2008, at 9:30 a.m., in room SD366 of the Dirksen Senate Office Building.

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

COMMITTEE ON HEALTH, EDUCATION, PENSION, AND LABOR

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Health, Education Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “Prevention and Public Health: The Key to Transforming our Sickness System” on Wednesday, December 10, 2008. The hearing will commence at 10 a.m. in room 192 of the Dirksen Senate Office Building.

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

SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM ACT OF 2008

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3731, introduced earlier today by Senator MCCASKILL.

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

The assistant legislative clerk read as follows:

A bill (S. 3731) to amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) to provide the Special Inspector General with additional authorities and responsibilities, and for other purposes.

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

Mr. DURBIN. Madam President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (S. 3731) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3731

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 “Special Inspector General for the Troubled Asset Relief Program Act of 2008”.

SEC. 2. AUDIT AND INVESTIGATION AUTHORITIES.

Section 121 of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended—

(1) in subsection (c), by adding at the end the following:

“(4)(A) Except as provided under subparagraph (B) and in addition to the duties specified in paragraphs (1), (2), and (3), the Special Inspector General shall have the authority to conduct, supervise, and coordinate an audit or investigation of any action taken under this title as the Special Inspector General determines appropriate.

“(B) Subparagraph (A) shall not apply to any action taken under section 115, 116, 117, or 125.”; and

(2) in subsection (d)(2), by striking “subsection (c)(1)” and inserting “subsection (c)(1) and (4)”.

SEC. 3. PERSONNEL AUTHORITIES.

Section 121(e)(1) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended—

(1) by inserting “(A)” after “(1)”; and

(2) by adding at the end the following:

“(B)(i) Subject to clause (ii), the Special Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

“(ii) In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under clause (i) of this subparagraph—

“(I) the Special Inspector General may not make any appointment on and after the date occurring 6 months after the date of enactment of the Special Inspector General for the Troubled Asset Relief Program Act of 2008;

“(II) paragraph (2) of that subsection (relating to periods of appointments) shall not apply; and

“(III) no period of appointment may exceed the date on which the Office of the Special Inspector General terminates under subsection (j).”.

SEC. 4. RESPONSE TO AUDITS AND COOPERATION AND COORDINATION WITH OTHER ENTITIES.

Section 121 of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (h), (i), and (j), respectively; and

(2) by inserting after subsection (e) the following:

“(f) CORRECTIVE RESPONSES TO AUDIT PROBLEMS.—The Secretary shall—

“(1) take action to address deficiencies identified by a report or investigation of the Special Inspector General or other auditor engaged by the TARP; or

“(2) certify to appropriate committees of Congress that no action is necessary or appropriate.

“(g) COOPERATION AND COORDINATION WITH OTHER ENTITIES.—In carrying out the duties, responsibilities, and authorities of the Special Inspector General under this section, the Special Inspector General shall work with each of the following entities, with a view toward avoiding duplication of effort and ensuring comprehensive oversight of the Troubled Asset Relief Program through effective cooperation and coordination:

“(1) The Inspector General of the Department of Treasury.

“(2) The Inspector General of the Federal Deposit Insurance Corporation.

“(3) The Inspector General of the Securities and Exchange Commission.

“(4) The Inspector General of the Federal Reserve Board.

“(5) The Inspector General of the Federal Housing Finance Board.

“(6) The Inspector General of any other entity as appropriate.”.

SEC. 5. REPORTING REQUIREMENTS.

Section 121(h) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343), as redesignated by this Act, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

“(2) Not later than July 1, 2009, the Special Inspector General shall submit a report to Congress analyzing the use of any funds received by a financial institution under the TARP and make the report available to the public, including posting the report on the home page of the website of the the Special Inspector General within 24 hours after the submission of the report.”; and

(3) by adding at the end the following:

“(5) Except as provided under paragraph (3), all reports submitted under this subsection shall be available to the public.”.

SEC. 6. FUNDING OF THE OFFICE OF THE SPECIAL INSPECTOR GENERAL.

Section 121(i)(1) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343), as redesignated by this Act, is amended by inserting before the period at the end the following: “, not later than 7 days after the date on which the nomination of the Special Inspector General is first confirmed by the Senate”.

AMERICA'S BEAUTIFUL NATIONAL PARKS QUARTER DOLLAR COIN ACT OF 2008

Mr. DURBIN. Madam President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be discharged from further consideration of H.R. 6184 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6184) to provide for a program for circulating quarter dollar coins that are emblematic of a national park or other national site in each State, the District of Columbia, and each territory of the United States, and for other purposes.

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

Mr. DURBIN. Madam President, I ask unanimous consent the bill be read a third time and passed, the motions to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (H.R. 6184) was ordered to a third reading, was read the third time, and passed.

COMMENDING IDAHO ON WINNING TO HOST THE 2009 SPECIAL OLYMPICS WORLD WINTER GAMES

Mr. DURBIN. Madam President, I ask unanimous consent that the Commerce Committee be discharged from further consideration and the Senate now proceed to S. Res. 196.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 196) commending Idaho on winning the bid to host the 2009 Special Olympics World Winter Games.

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

Mr. DURBIN. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 196) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 196

Whereas Special Olympics is an international nonprofit organization that promotes personal development through sports training and competition;

Whereas Special Olympics advances the understanding of intellectual disabilities in the community and the Nation through participation and fellowship;

Whereas Special Olympics serves more than 2,500,000 individuals with intellectual disabilities;

Whereas Special Olympics offers more than 200 programs in over 160 countries;

Whereas Special Olympics offers 30 Olympic-type summer and winter sports to both children and adults with intellectual disabilities;

Whereas Boise, Idaho won the international bid to host the 2009 Special Olympics World Winter Games to be held February 6 through 13, 2009;

Whereas thousands of athletes are expected to compete in the 2009 Special Olympics World Winter Games; and

Whereas the 2009 Special Olympics World Winter Games will be the largest multi-sport event ever held in the State of Idaho: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the goals and principles of Special Olympics;

(2) salutes the athletes, coaches, family members, friends, and volunteers that make Special Olympics possible; and

(3) congratulates the State of Idaho on its selection as the host for the 2009 Special Olympics World Winter Games.

ENSURING COMPENSATION AND OTHER EMOLUMENTS ATTACHED TO THE OFFICE OF SECRETARY OF STATE

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S.J. Res. 46 introduced earlier today.

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

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 46) ensuring that the compensation and other emoluments attached to the Office of Secretary of State are those which were in effect on January 1, 2007.

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

Mr. DURBIN. Madam President, I ask unanimous consent that the joint resolution be read three times and passed, the motions to reconsider be laid upon the table; and that any statements related thereto be printed in the RECORD.

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

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 46

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPENSATION AND OTHER EMOLUMENTS ATTACHED TO THE OFFICE OF SECRETARY OF STATE.

(a) IN GENERAL.—The compensation and other emoluments attached to the office of Secretary of State shall be those in effect January 1, 2007, notwithstanding any increase in such compensation or emoluments after that date under any provision of law, or provision which has the force and effect of law, that is enacted or becomes effective during the period beginning at noon of January 3, 2007, and ending at noon of January 3, 2013.

(b) CIVIL ACTION AND APPEAL.—

(1) JURISDICTION.—Any person aggrieved by an action of the Secretary of State may bring a civil action in the United States District Court for the District of Columbia to contest the constitutionality of the appointment and continuance in office of the Secretary of State on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution. The United States District Court for the District of Columbia shall have exclusive jurisdiction over such a civil action, without regard to the sum or value of the matter in controversy.

(2) THREE JUDGE PANEL.—Any claim challenging the constitutionality of the appointment and continuance in office of the Secretary of State on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of